



# SECURITY COUNCIL REPORT

## MONTHLY FORECAST

### MAR 2012



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## Overview

The UK will have the presidency of the Council in March. Foreign Secretary William Hague is expected to preside over a debate focusing on the **recent events in the Middle East and North Africa** and intending to look at challenges and opportunities for peace and security emanating from this experience. Three foreign ministers from the region are likely to brief and several foreign ministers from Council member states have confirmed their participation.

An open debate is planned on **Somalia**, with Special Representative Augustine Mahiga expected to brief by video conference and Henry Bellingham, UK Minister for Africa, due to preside.

Debates are also planned on **Haiti**, with a briefing by the head of MINUSTAH, Mariano Fernández, and on **Afghanistan**, with a briefing by the new Special Representative of the Secretary-General and head of UNAMA, Jān Kubiš.

In line with its ongoing interest in Council **working methods**, the UK is planning a meeting in consultations taking stock of recent working methods modifications it has championed and looking forward towards further procedural innovations.

Several briefings are likely on:

- the enhancement and the renewal of the mandate of the UN Support Mission in **Libya** (UNSMIL), by its head, Ian Martin, to be followed by consultations;

- the UN Mission in **South Sudan** (UNMISS) by its head, Hilde Johnson, to be followed by consultations;
- the UN Integrated Peacebuilding Office in **Sierra Leone** (UNIPSIL), most likely by the head of the Department of Political Affairs, B. Lynn Pascoe, to be followed by consultations;
- the UN Integrated Peacebuilding Office in **Guinea-Bissau** (UNIOGBIS) by its head, Joseph Mutaboba, to be followed by consultations;
- the **Middle East** by Special Coordinator for the Middle East Peace Process Robert Serry, to be followed by consultations;
- **Iran**, by the Chair of the Iran Sanctions (1737) Committee, Ambassador Néstor Osorio (Colombia); and
- **peacekeeping** operations, by the head of the Department for Peacekeeping Operations, Hervé Ladsous, to be followed by consultations.

Briefings in consultations are expected on:

- **Yemen**, by Special Adviser Jamal Benomar;
- **Lebanon**, by Special Coordinator Derek Plumbly;
- **Sudan sanctions**, by the Chair of the Sudan (1591) Sanctions Committee, Ambassador Néstor Osorio (Colombia); and
- current issues of concern, under the "horizon scanning" formula, by head of the Department of Political Affairs, B. Lynn Pascoe.

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Briefings may also be scheduled on **Cyprus**, by the Secretary-General's Special Adviser Alexander Downer, and on **Myanmar** by the Secretary-General's Special Adviser, Vijay Nambiar, following his recent trip to the country.

Should the **Darfur peace process** road map be published in March, the Council may meet in consultations to discuss the matter.

Formal sessions will need to be held to adopt resolutions on the renewal of the mandates for the mission in Afghanistan (**UNAMA**) as well as the mission in Libya (**UNSMIL**) and the Panel of Experts of the **Libya Sanctions Committee**.

## Status Update since our February Forecast

- **Syria:** The Security Council voted on a draft resolution (S/2012/77) condemning the violence in Syria and supporting the Arab League's 22 January decision to facilitate a Syrian-led political transition on 4 February. Russia and China vetoed the draft resolution with all other Council members voting in favour (S/PV.6711). During the monthly Middle East briefing on 28 February, Under-Secretary-General for Political Affairs, B. Lynn Pascoe, briefed on the deteriorating situation in Syria saying there were credible reports of excess of 7,500 dead (S/PV.6725). At press time, it seemed likely that many Council members would raise Syria in the informal consultations that regularly follow the briefing.
- **DRC:** On 7 February, the Council heard a briefing (S/PV.6712) from Roger Meece, Special Representative and Head of the MONUSCO on the Secretary-General's latest report (S/2012/65). The report notes that serious irregularities were observed in the presidential and parliamentary elections of 28 November 2011, and urges the Independent National Electoral Commission to address the shortcomings in a timely manner through a comprehensive review of the process and apply the lessons learned to the provincial and local elections scheduled for 2012 and 2013 respectively. Following the briefing, the Council held closed consultations with Meece and Hervé Ladsous, the Under-Secretary-General for Peacekeeping Operations, following his recent visit to the DRC.
- **Secretary General's Briefing on the AU Summit:** On 8 February, the Secretary-General briefed Council members in informal consultations on his visit to Addis Ababa where he attended the AU Summit from 29-30 January. He highlighted some issues relating to Sudan and South Sudan, including the ongoing dispute over oil production and transportation. He had, on the margins of the AU meeting, met with South Sudanese President Salva Kiir Mayardit as well as with Ethiopian Prime Minister Meles Zenawi and Kenyan President Mwai Kibaki, both of whom are involved in negotiations to end the dispute.
- **Kosovo:** On 8 February, Assistant Secretary-General for Peacekeeping Operations Edmond Mulet briefed the Council on UNMIK (S/PV.6713). (Special Representative Farid Zarif participated in the debate via video teleconference.) Mulet, in presenting the Secretary-General's latest report, said that the resumption of dialogue between Serbia and Kosovo had led both sides to renew their efforts to stabilise the situation on the ground. On 14-15 February, ethnic Serbs in four municipalities in northern Kosovo voted overwhelmingly not to accept the authority of the government in Pristina. The result had no legal consequences and Belgrade had warned that the referendum would not contribute to a solution on the Kosovo issue. On 24 February, Serbia and Kosovo reached important agreements on allowing Kosovo to participate in its own right at regional meetings (Kosovo's nameplate will have a footnote explaining its disputed status) and on the implementation of the integrated management for border crossings. On 1-2 March, EU leaders were expected to formalise a decision on whether to grant Serbia EU candidate status.
- **UNISFA:** On 9 February, Council members held consultations on the Secretary-General's report (S/2012/68) on UNISFA. Under-Secretary-General for Peacekeeping Hervé Ladsous briefed the members during the consultations.
- **Sudan/Darfur:** Council members held consultations on 10 February on the final report of the Panel of Experts of the Sudan Sanctions Committee (the "1591 Committee"). During the consultations, Ambassador Néstor Osorio (Colombia), Chair of the Sudan Sanctions Committee, reported to Council members on the initial discussions that the committee had had on the panel's final report. On 17 February, the Council renewed the mandate of the Panel of Experts for one year in resolution 2035 (S/PV.6716).
- **OSCE:** The Organization for Security and Cooperation in Europe (OSCE) current chairperson, Ireland's Minister for Foreign Affairs and Trade, Eamon Gilmore, briefed the Council on 9 February on OSCE's priorities and challenges (S/PV.6715). Among priorities during the Irish presidency of the 56-nation body he listed giving prominence to the protection of a wide range of human rights and fundamental freedoms. Among the challenges, he mentioned transnational threats such as terrorism, organised crime, drugs, and trafficking and stressed that he intended to build on the joint efforts of the OSCE and the UN to tackle them. The briefing was followed by a discussion in which all 15 Council members took the floor.
- **DPRK:** On 10 February, Council members held regularly scheduled consultations during which the Chair of the DPRK Sanctions Committee (the "1718 Committee"), Ambassador José Filipe Morales (Portugal), briefed members on the committee's work. The committee's most recent development was its agreement on an Implementation Assistance Notice (IAN), dated 5 December 2011, which provides states with guidelines on the implementation of the prohibition of exporting "luxury goods" to the DPRK. (It is the third such IAN that the committee has finalised and is now published on its website.)
- **Peace Consolidation in West Africa and the Sahel:** On 21 February, the Council held a high-level debate on the impact of transnational organised crime on peace and security in West Africa and the wider Sahel region (S/PV.6717). The President of Togo, Faure Gnassingbé, presided over the debate. Secretary-General Ban Ki-Moon, the head of UNODC Yuri Fedotov and Benin's Minister of State for National Security, Issifou Kogul N'Douro, briefed. The Council adopted a presidential statement (S/PRST/2012/2) that emphasised the importance of a system-wide UN action to enable coordinated responses to transnational threats, as well as the need for support for regional and international initiatives. The statement also called on states that have not ratified relevant international conventions to do so in order to combat drug trafficking, piracy and corruption.

- **Timor-Leste:** On 23 February, the Council unanimously adopted resolution 2037 extending the mandate of UNMIT until 31 December. The Council endorsed the plan of UNMIT's phased drawdown later this year, "in accordance with the wishes of the Government of Timor-Leste, conditions on the ground and following the successful completion of the 2012 electoral process." The adoption of the resolution followed a debate in the Council, during which incumbent President José Ramos-Horta spoke about Timor-Leste's wishes for the UN's post-UNMIT presence (S/PV.6720). He said Timor-Leste wanted and needed "international partnership underpinned by a modest United Nations mission in line with our country's real needs and adjusted to the evolving reality on the ground." In briefing the Council, the Secretary-General's Special Representative, Ameerah Haq, said 2012 would be a critical year for the country and a chance for an orderly transition to a new government as well as continued stability and security.
- **Terrorism:** On 23 February, the Council issued a press statement (SC/10556), condemning the terrorist attack in New Delhi, India, which aimed and injured Israeli diplomatic personnel and civilians, and the recent attempted terrorist attack in Tbilisi, Georgia against Israeli diplomats.
- **Women, Peace and Security:** The Security Council held an open debate on the Secretary-General's annual report on conflict-related sexual violence (S/2012/33) on 23 February. Margot Wallström, the Secretary-General's Special Representative on the issue, briefed together with Under-Secretary-General for Peacekeeping, Hervé Ladsous, and a representative from civil society, Amina Megheirbi, who briefed on behalf of the NGO Working Group on Women, Peace and Security and also heads a Libya-based NGO on women's empowerment (S/PV.6722 and resumption 1). The Council adopted a presidential statement (S/PRST/2012/3) which commended the Special Representative's work and the importance of the associated Team of Experts. The statement invited her to continue to provide briefings to the

Council and for the Secretary-General to recommend appropriate actions. It also stressed the need for continued data collection under the Monitoring, Analysis and Reporting Arrangements on sexual violence in armed conflict, post-conflict situations and other situations relevant to the implementation of resolution 1888 (which created the office of the Special Representative).

- **Gulf of Guinea Piracy:** On 27 February, the Council discussed the threats to peace and security in the Gulf of Guinea region posed by piracy and other forms of armed robbery. The Council last considered the issue on 19 October 2011, unanimously passing resolution 2018 condemning acts of piracy and armed robbery in the region on 31 October 2011. Resolution 2018 affirmed the UN Convention of the Law of the Sea of 10 December 1982 as the legal framework for the fight against piracy and armed robbery on the high seas. It also welcomed the Secretary-General's plan to send an assessment mission to examine the problem. On 18 January, the Secretary-General submitted the report of the mission, which was dispatched from 7 to 24 November 2011. The report estimates that piracy has resulted in a current annual loss of revenue of \$2 billion to the West African economies and that the number of ships docking at Cotonou, Benin, has declined by 70 percent as a result of the attacks. At press time the Council was expected to adopt a resolution on 29 February welcoming the report and recommendations of the assessment mission, and calling on the Secretary-General to help mobilise resources to assist in building national and regional capacities, and in coordinating international assistance for maritime security in the Gulf of Guinea.
- **Middle East:** On 28 February, Under-Secretary-General for Political Affairs B. Lynn Pascoe briefed the Council (S/PV.6725). Pascoe reported on the stalled Israeli-Palestinian peace process; the recent Israeli approval of settlements and demolition of Palestinian homes particularly in East Jerusalem and Area C of the West Bank; Fatah-Hamas

reconciliation; the continued exchange of rocket fire from Gaza and Israeli airstrikes. Council members met in informal consultations following the briefing. On 8 February, the Secretary-General briefed Council members in informal consultations on his recent visit to the region. (He was in Jordan, Israel and the Occupied Palestinian Territories between 31 January and 2 February.)

- **Tribunals:** On February 29, the Council adopted a resolution appointing Hassan Bubacar Jallow as Prosecutor of the International Residual Mechanism for Criminal Tribunals for a term of four years, starting 1 March. Jallow is currently the Prosecutor of the International Criminal Tribunal for Rwanda and will continue to hold that position alongside his new one.
- **Security Council Missions:** At press time, on 28 February Council members were set to discuss in consultations Security Council missions. (The consultations had initially been scheduled for 22 February.) Following the Council's return on 16 February from its four-day visit to Haiti, Council members were likely to discuss several visit options for later in 2012. These seemed to include a mission to Afghanistan and several African options, notably the DRC (which the Council has not visited since May 2010), Liberia and Côte d'Ivoire, as well as Libya, possibly with a stopover in Cairo to meet with the League of Arab States. Other potential missions included Kosovo, Timor-Leste and the Middle East. (In the UNMIK debate on 8 February, Serbia's Foreign Minister invited the Council to "visit Serbia, including Kosovo." On 22 February, the President of East-Timor, José Ramos-Horta, invited those present to visit Timor-Leste in 2012 "to see for themselves how far our country has come." At the end of February, Riyad H. Mansour, Permanent Observer of Palestine, looked likely to send out a letter inviting Council members to visit the Occupied Palestinian Territories.) Most recently, the Council embarked on three missions (DRC, Afghanistan, Uganda and Sudan) in 2010 and one to Africa in 2011 (Addis Ababa, Sudan and Nairobi).



## Somalia

### Expected Council Action

In March, the Council is expected to hold an open debate on Somalia chaired by Under Secretary of State Henry Bellingham (UK) as a follow-up to the 23 February London conference. A video-conference briefing by the Special Representative of the Secretary-General, Augustine Mahiga, is expected and a presidential statement is the likely outcome.

### Key Recent Developments

On 22 February, the Council adopted resolution 2036 authorising an increase in the troop ceiling for the AU Mission in Somalia (AMISOM) from 12,000 to 17,731 uniformed personnel and an extension of its presence to three sectors outside Mogadishu as requested by the AU. It also strengthened AMISOM's mandate by explicitly authorising the use of all necessary means to reduce the threat from the Islamist rebel group Al Shabaab.

Resolution 2036 furthermore authorised an expansion of the UN support package for the mission to include reimbursement of contingent-owned equipment as recommended by the Secretary-General in his 31 January special report on AMISOM's new strategic concept as endorsed by the AU on 5 January. (In comments to the press after the vote, Ambassador Mark Lyall Grant (UK) said this would increase funding for the mission from UN assessed contributions from an estimated \$250 million to around \$550 million.)

The resolution added a provision banning the export and import of charcoal from Somalia (requested by Somalia in its letter to the Council of 4 January) and imposing targeted sanctions against those violating the ban. (For more details, please see the *What's in Blue* story of 21 February at [www.whatsinblue.org](http://www.whatsinblue.org).)

The AU welcomed the adoption of the resolution and praised the Council for its support to AMISOM.

Under-Secretary-General for Field Support Susana Malcorra briefed Council members in informal consultations on 6 February on the Secretary-General's special report. She provided more details about key aspects of AMISOM's strategic concept, particularly on the financial implications of different options for expanding the support package for AMISOM as proposed by the Secretary-General.

On 22 February, Under-Secretary-General for Legal Affairs Patricia O'Brien briefed the Council on the Secretary-General's report of 20 January on anti-piracy tribunals. Among other things, she recalled that states in the region did not favour the establishment of specialised courts with jurisdiction exclusive to piracy and that with international assistance, prosecution capacity in those states could be increased to meet the projected demand in the near future at a relatively moderate cost. In the same meeting, Executive Director of the UN Office on Drugs and Crime (UNODC), Yury Fedotov, briefed the Council on UNODC's counter-piracy programme.

On 23 February, the UK hosted an international conference in London with the aim of delivering a new international approach to Somalia. It brought together representatives of more than 40 governments, many at ministerial level, as well as a number of multi-lateral and regional organisations. Representatives from Somalia included the leaders of the Transitional Federal Institutions (TFIs); the Presidents of Puntland, Galmudug and Somaliland; the Mayor of Mogadishu; and representatives of Aluh Sunnah wal Jamaah.

The communiqué from the conference focused on the political process, security and justice (including piracy and terrorism), stability and recovery (noting, however, that this would be further discussed at a conference in Istanbul in June), humanitarian issues and international coordination. It reconfirmed that the TFIs mandate ends in August 2012, welcomed the agreements

reached so far on the way forward and expressed the participants' readiness to act against spoilers of the peace process. It provided further details for the establishment of a joint financial management board aimed at increasing transparency and accountability with regard to the use of public revenues as well as international assistance.

Principles for support to the Somali security and justice sectors and for international support to local areas of stability in Somalia were spelled out in two separate annexes, whereas humanitarian issues were dealt with in a separate document. (The conference was preceded by a separate meeting on humanitarian issues co-chaired by the UN and the United Arab Emirates.) According to the communiqué, it was also agreed that the International Contact Group on Somalia would take the lead on carrying forward the work, but that it would be restructured and working groups would be established on political process; security and justice; and stability and development.

The second national constitutional conference for Somalia facilitated by the UN was held in Garowe from 15 to 17 February. The meeting, which was convened by the Transitional Federal Government (TFG) and hosted by the Puntland state government, brought together once again the signatories of the road map for ending the transition in Somalia and representatives of civil society. The meeting agreed on a set of principles for finalising the draft constitution and ending the transitional process, referred to as the Garowe II principles. (The outcome from the first constitutional conference, held from 21 to 23 December 2011, is referred to as Garowe I.)

More specifically, the Garowe II principles provide further details about:

- criteria and process for the creation of new federal states and national competencies while specifically recognising Puntland and Galmudug as states;
- the system of government, deciding that

Somalia shall adopt a parliamentary system with the electoral system for the lower house of parliament based on the principle of proportionality; and

- implementation of the Garowe I principles, including the mandate and membership of the independent electoral commission and the national constituent assembly and the size and selection process of the new federal parliament.

Garowe II also calls for the drafting of the constitution to be completed by 20 April and confirms that the transition must end by August. It was agreed that the next constitutional consultative conference should be held in Mogadishu by the end of March.

On 3 February, the Sanctions Monitoring Group for Somalia and Eritrea met with the Sanctions Committee to present its mid-term report. On 17 February, the Committee listed one more individual as subject to the targeted sanctions. Ali Ahmed Nur Jim'ale was identified as a chief financier for Al Shabaab, which is already on the sanctions list.

Also on 3 February, the Food and Agriculture Organisation declared that famine conditions in Somalia had ended and that the number of people in need of emergency humanitarian assistance had decreased from 4 million to 2.34 million. However, it warned that the crisis was not over and called for coordinated, long-term international engagement.

On 10 February, Al Shabaab announced that it had merged with Al-Qaida. (While Al Shabaab had previously pledged allegiance to Al-Qaida, this announcement seems to indicate a new level of cooperation.)

### Human Rights-Related Developments

The UN Independent Expert on the situation of Human Rights in Somalia, Shamsul Bari, expressed deep shock on 14 February over a new boat disaster in the Gulf of Aden that claimed the life of at least 11 Somalis, with a further 34 still

missing. "Smuggling and trafficking in persons in Somalia has been a sad facet of the Somali conflict," said Bari, who reported extensively on the plight of Somali boat people in a 2009 report to the Human Rights Council. "Such tragedy highlights the critical need to find a lasting and sustainable peace in Somalia so that people can live in a decent manner at home and are not constantly forced to flee their country to save their lives." Bari hoped that the London conference on Somalia in February would contribute to strengthening the capacity of the Somali authorities, in particular the Puntland marine forces. Bari reminded all transit and host countries of their legal and humanitarian obligation to guarantee the safety and dignity of Somali refugees.

In a statement after the 23 February London conference, Amnesty International said the discussions had not adequately addressed the grave human rights situation in the country and stressed in particular the risk for civilians of the recent surge in military operations. It called on the international community to ensure enhanced monitoring of violations of international human rights and humanitarian law committed by any party to the conflict in Somalia.

### Key Issues

A key issue for the Council in March is how to use the momentum generated by the London conference to devise a more strategic approach to Somalia.

Another key issue is implementation of resolution 2036, including consolidation of security in accordance with AMISOM's new strategic concept and on the basis of clear military objectives integrated into a political strategy, effective regional cooperation and support for Somali security forces.

A continuing issue is the timely implementation of the road map and the Garowe I and II principles relating to the constitutional process.

The humanitarian situation also continues to be an issue. Although famine conditions have officially ended, concerns seem to be growing about the humanitarian impact of the expansion of AMISOM with regard to displacement and protection of civilians.

A further issue is whether to take any follow-up action on the basis of the findings and proposals of the Secretary-General's report on specialised anti-piracy courts in Somalia and other states in the region.

### Options

Main options for the Council include:

- adopting a presidential statement welcoming the outcome of the London conference and providing support to specific elements of the communiqué in different areas, such as the political process, security, piracy, economic development, humanitarian issues and international coordination;
- welcoming also the Secretary-General's report on anti-piracy tribunals and encouraging follow-up action as proposed in the report; and
- considering in the sanctions committee further targeted sanctions against spoilers.

### Council Dynamics

Council members appear generally supportive of the UK's efforts to enhance the international community's engagement on Somalia and its leadership role in organising the London conference (which many of them attended). They are therefore likely to support a presidential statement welcoming the outcome of the conference although the details still have to be agreed. Members seem to share the hope that the new momentum created on Somalia may now finally lead to lasting peace and stability in the country. There is, however, continuing concern about the ability of Somali leaders

to implement in a timely manner the agreed framework for ending the transition.

While Council members overall appear united in their approach to Somalia, the negotiations over resolution 2036 demonstrated that there are still some differences of view regarding AMISOM, in particular on the long divisive issue of providing UN funding from assessed contributions. Thus, the most difficult moments during the negotiations related to troop levels and the details of the support package. While the UK was supportive of the AU requests, other European members—as well as the US—continued to have concerns about the cost of the expansion. There were also differences over whether to authorise funding for a new maritime component that is part of the new strategic concept for AMISOM.

In response to the concerns about cost, the resolution emphasises the responsibility of regional organisations to secure their own resources and funding and reiterates calls for additional contributions to the UN trust fund for AMISOM. There are also references to the general importance of strengthening the capacity of regional and subregional organisations in conflict prevention, crisis management and post-conflict stabilisation. A new reporting requirement—requesting the AU, through the Secretary-General, to keep the Council informed, with written reports every 60 days about the implementation of AMISOM’s mandate—was included to ensure greater accountability and will provide an opportunity for Council members to keep the mission under closer review.

The UK is the lead country on Somalia in the Council, while India chairs the sanctions committee and Russia has taken the lead on legal issues related to piracy.

UN Documents

Security Council Resolutions

- S/RES/2036 (22 February 2012) authorised an increase in AMISOM’s troop ceiling as well as an expansion of its UN support package and

imposed a ban on importing charcoal from Somalia.

- S/RES/2015 (24 October 2011) called for additional measures to strengthen prosecution of Somali pirates and requested a report from the Secretary-General within 90 days.
- S/RES/1844 (20 November 2008) imposed targeted sanctions relating to the situation in Somalia.

Secretary-General’s Reports

- S/2012/74 (31 January 2012) was the Secretary-General’s special report on Somalia.
- S/2012/50 (20 January 2012) was the report requested by resolution 2015 on legal issues related to piracy.
- S/2011/759 (9 December 2011) was the latest regular report.

Meeting Records

- S/PV.6719 (22 February 2012) was a briefing on piracy by the Under-Secretary-General for Legal Affairs.
- S/PV.6718 (22 February 2012) was the adoption of resolution 2036 with explanations of vote by several Council members.

Other

- SC/10545 (17 February 2012) was a sanctions committee press release announcing one more listing under resolution 1844.
- S/2012/4 (4 January 2012) was a letter from Somalia requesting the Council to support an international ban on purchasing charcoal from Somalia.

Useful Additional Sources

- *Somalia: An Opportunity that Should Not Be Missed*, International Crisis Group, 22 February 2012.
- *The Kenyan Military Intervention in Somalia*, International Crisis Group, 15 February 2012.

Sudan and South Sudan

Expected Council Action

The Council is expected to hold a briefing and consultations in March on the Secretary-General’s most recent report on the UN Mission in the Republic of South Sudan (UNMISS). It appears that Under-Secretary-General for Peacekeeping Operations Hervé Ladsous and/or Hilde Johnson, the Special Representative of the Secretary-General and head of UNMISS, will brief. At press time, no formal outcome was anticipated.

The tense situation along the Sudan and South Sudan border, unresolved issues from the Comprehensive Peace Agreement (CPA) and the situation in South Kordofan and Blue Nile may continue to occupy the attention of Council members in March.

The mandate of UNMISS expires on 9 July.

Key Recent Developments

In February, despite intensive negotiations, the dispute between Sudan and South Sudan over oil revenue remained unresolved. The crux of the dispute is that the two parties have been unable to agree on a mutually acceptable pipeline transit fee for oil flowing from South Sudan to Sudan’s Port Sudan on the Red Sea, currently the only outlet for oil intended for export to the outside world.

South Sudan, which derives approximately 98 percent of its income from oil, has maintained a complete shutdown of its oil production since late January. Juba initiated the shutdown after accusing Khartoum of stealing \$815 million worth of oil being transported through Sudan from South Sudan.

South Sudan has recently pursued plans for transporting oil that bypass Sudan. On 24 January, South Sudan signed a deal with Kenya to build a pipeline to the Kenyan port of Lamu on the Indian Ocean. South Sudan has held talks with a US construction company regarding the construction of



this pipeline, while the Toyota Motor Corporation of Japan has also initiated a feasibility study with regard to the project.

On 9 February, South Sudan also signed a memorandum of understanding with Ethiopia to build a pipeline through Ethiopia that would end in Djibouti on the Gulf of Aden. The pipeline would be one element of a larger economic cooperation plan that South Sudan and Ethiopia have agreed with Djibouti that also includes expanding telecommunication networks to South Sudan from Djibouti and Ethiopia and building roads and railways in the region.

On 10 February, Sudan and South Sudan signed a memorandum of understanding on non-aggression and cooperation. In the document, both sides committed to “respect the sovereignty of the other state in all respects” and “refrain from launching any attack including bombardment” against each other. On 13 February, UN Secretary-General Ban Ki-moon welcomed the agreement in a statement attributable to his spokesperson.

On 14 February, South Sudan accused Sudan of violating the agreement, alleging that Sudanese forces bombed the disputed border town of Jau. Four South Sudanese soldiers were reportedly killed in the attack.

On February 21, South Sudan expelled Lin Yingcai, the head of the Chinese-Malaysian oil company Petrodar, accusing him of not cooperating with an investigation that it was conducting on the alleged diversion of South Sudanese oil by Sudan.

Under-Secretary-General for Humanitarian Affairs Valerie Amos briefed the Council in consultations on 10 February regarding her trip to South Sudan from 1 to 4 February. During the consultations, Amos expressed her concern at the alarming humanitarian situation in South Sudan, emphasising in particular the high levels of food insecurity. It seems that she also noted that the negative economic impact of South Sudan’s oil-production shutdown could hinder the country’s ability to address the difficult humanitarian situation.

The governments of Sudan and South Sudan signed a memorandum of understanding on the repatriation of South Sudanese nationals residing in Sudan on 12 February. In the memorandum, the parties agreed to “facilitate and assist in the voluntary return and reintegration of the nationals of South Sudan in peace and dignity.” (Approximately 500,000 people of southern origin reside in Sudan. The deadline for their repatriation to South Sudan, as agreed by the parties, is 8 April. Those who have not returned to South Sudan by that date are expected to “regularise their status” in Sudan, although it is unclear precisely what this entails and whether it would include the privileges of citizenship.)

On 14 February, the Council issued a press statement on South Kordofan and Blue Nile, states in Sudan that border South Sudan. In the statement, the Council expressed “deep and growing alarm” at malnutrition and food insecurity in parts of Blue Nile and South Kordofan. The Council called on the Sudanese government to allow immediate access to UN personnel to undertake a needs assessment. The statement also called on the Sudanese government and the Sudan People’s Liberation Movement-Northern Sector (SPLM-N) to ensure that the UN and humanitarian organisations have “safe, unhindered and immediate access” to civilians affected by the fighting. The Council underscored the importance of resolving the remaining CPA issues as well. (The statement was not read to the media, but released to the press in a procedurally discrete fashion while most of the permanent representatives, including the Council president, were in Haiti participating in a Council mission.)

One hundred and twenty Japanese engineers arrived in South Sudan on 20 February to join UNMISS. They will help construct bridges and roads in the new country, which is lacking in infrastructure.

At press time, Council members were expected to hold an “informal interactive



dialogue” on the situation in Sudan and South Sudan on 27 February. Thabo Mbeki, Chair of the AU High Level Implementation Panel, and Haile Menkerios, UN Special Envoy for Sudan and South Sudan, were expected to address Council members during the meeting. (Held outside of Council chambers, the informal interactive dialogue is a flexible format that allows the Council to meet with actors—in this case, the AU High Level Implementation Panel—with whom it would not be able to meet in consultations inside the Council chambers.)

### Human Rights-Related Developments

In a press briefing on 3 February, the Office of the UN High Commissioner for Human Rights (OHCHR) said that it was very concerned about recent killings in Warrap state in South Sudan, where a deadly cattle raid left at least 78 people dead, nine missing and 72 wounded. About three-quarters of those killed were reportedly women and children. A UN team that visited the affected areas was told that more than 70,000 head of cattle had been looted, leaving around 40,000 people without livelihoods. The OHCHR called on the authorities to ensure that urgent measures were taken to help secure the economic and social rights of those affected by the attack, which was reportedly carried out by men from the neighbouring Unity state.

### Key Issues

One key and ongoing issue is the impasse in resolving the residual elements of the CPA that ended the Second Sudanese Civil War in 2005, including oil-sharing, border demarcation and the status of Abyei. (Abyei is the disputed territory that straddles Sudan and South Sudan). The failure to

resolve these matters continues to exacerbate tensions between the two countries, as evidenced, by South Sudan's shutdown of its oil production, recurring violence along the Sudan-South Sudan border or the presence of security forces from Sudan and South Sudan in Abyei.

Another key issue is the need for appropriate measures to be taken to facilitate the repatriation of South Sudanese nationals residing in Sudan in a way that mitigates the potentially negative humanitarian, economic and security impacts of their return to South Sudan.

A further key issue is to build on the momentum of the recent press statement on South Kordofan and Blue Nile to ensure that the Council's concerns are heeded, including improved humanitarian access to civilians affected by conflict in these two regions.

Another key issue is how to promote inter-communal reconciliation between different ethnic groups in South Sudan. A related issue is the need to curtail the proliferation of weapons in South Sudan that are used in many of these attacks. (In its press statement of 10 January on South Sudan, the Council "expressed concern about the quantity and sophistication of weapons used in recent inter-communal conflicts.")

An additional key issue is addressing the deteriorating humanitarian situation in South Sudan, especially in regard to food insecurity. The Office for the Coordination of Humanitarian Affairs (OCHA) estimates that nearly five million people in South Sudan will face food shortages this year due to factors such as displacement by conflict, high food prices and a poor harvest. (The population of South Sudan is approximately 8 million people.)

A further important issue is the need for heavy utility helicopters in UNMISS to enhance the mobility of the mission so that it can respond more expeditiously and effectively to fulfil its mandate to protect civilians. (These helicopters are needed for the transport of troops and equipment.)

Given the many humanitarian, security and other challenges facing South Sudan, another key and continuing issue is how to manage the expectations of the South Sudanese people for a peace dividend, as the excitement over the country's recent independence begins to wane.

**Options**

One option is for the Council to receive the UNMISS briefing but take no action at the current time.

Regarding the heightened inter-communal violence in South Sudan, the Council may also consider requesting the Secretary-General to launch a fact-finding mission to determine the sources of weapons used in the inter-communal violence over the past several months. Such an investigation might equip the Council with the information it needs to craft appropriate strategies to curtail the entry of weapons into South Sudan.

Given the significant concerns among Council members about the grave humanitarian situation in South Sudan and in certain areas of Sudan, the Council could consider requesting additional briefings from Amos or other OCHA officials as additional information becomes available about the challenges faced and progress made with regard to events on the ground.

The Council could also consider issuing a statement that reiterates and expands upon its call in the 14 February press statement for the parties to resolve residual CPA issues. In such a statement, the Council could express alarm at, and encourage the parties to break the impasse over oil revenue sharing, as well as highlight the urgency of resolving other post-CPA issues that it believes are particularly significant sources of tension between Sudan and South Sudan.

**Council Dynamics**

There is significant concern among Council members at the inter-communal violence and difficult humanitarian situation in South Sudan. Some members are also particularly worried that there is a shortage of

heavy utility helicopters in UNMISS, which inhibits the mission's ability to mobilise quickly with requisite troops in response to crisis situations. Concerns about mission mobility are especially heightened by the poor road infrastructure in South Sudan.

There is also growing alarm among several Council members about the lack of progress by Sudan and South Sudan in resolving many of the fundamental political and economic issues separating them. In particular, many members seem alarmed by the current row over oil revenue and the way it has escalated tensions between the parties.

The 14 February press statement on South Kordofan and Blue Nile seems to represent a sign of progress, as the Council had been unable to achieve consensus during several prior attempts on a statement on the humanitarian situation in one or both of these states. The statement appears to have accommodated the concerns of some members, who felt that there is a need for a clearer assessment of the situation on the ground. Although issued in an unusually discrete manner while the Council was on a mission to Haiti, some members appear hopeful that the statement may bode well for the Council's future work on Sudan and South Sudan, suggesting that members are capable of compromising to address difficult challenges.

The US is the lead country in the Council on UNMISS.

UN Documents
Security Council Resolutions
<ul style="list-style-type: none"><li>• S/RES/1997 (11 July 2011) liquidated UNMIS.</li><li>• S/RES/1996 (8 July 2011) established UNMISS.</li></ul>
Latest Secretary-General's Report
<ul style="list-style-type: none"><li>• S/2011/678 (2 November 2011)</li></ul>
Security Council Press Statement
<ul style="list-style-type: none"><li>• SC/10543 (14 February 2012) was on South Kordofan and Blue Nile.</li></ul>
Letters
<ul style="list-style-type: none"><li>• S/2012/40 (17 January 2012) was from</li></ul>



Sudan to the Council on the humanitarian situation in South Kordofan and Blue Nile.

- S/2012/37 (16 January 2012) was from the US to the Council on the humanitarian situation in South Kordofan and Blue Nile.

#### Other Relevant Facts

##### **UNMISS: Special Representative of the Secretary-General and Head of Mission**

Hilde Frafjord Johnson (Norway)

##### **UNMISS: Size and Duration**

*Maximum authorised strength:* up to 7,000 military and 900 police

Deployment as of 31 January 2012: 5,322 total uniformed personnel

*Duration:* 9 July 2011 to present; mandate expires 9 July 2012

##### **Special Envoy of the Secretary-General on Sudan and South Sudan**

Haile Menkerios (South Africa)

## Libya

### Expected Council Action

The Council is expected to renew in March the mandate of the UN Support Mission in Libya (UNSMIL). Ian Martin, the Special Representative of the Secretary-General and head of UNSMIL, is expected to present the report of the Secretary-General on UNSMIL and brief the Council on the latest developments. Prime Minister Abdurrahim El-Keib is also likely to be present for the briefing.

The Council is also expected to renew the mandate of the panel of experts that was created under resolution 1973.

The Council is also expecting the Libya Sanctions Committee report on the threats posed by the proliferation of arms, in particular man-portable surface-to-air missiles, and its recommendations as required in resolution 2017.

UNSMIL's mandate expires on 16 March and that of the panel of experts on 17 March.

### Key Recent Developments

The National Transitional Council (NTC) adopted on 28 January a new electoral law to form Libya's first constituent assembly. The law stipulates that two-thirds (136 seats) of the 200-member General National Congress be made up of candidates from political groups, with the rest (64 seats) going to independent candidates. The law permits the participation of dual-national electoral candidates and prohibits anyone who was part of the previous regime's revolutionary committees or security apparatus to run as a candidate. It also requires each political party to have an equal number of men and women on its list of candidates for the 136 seats. Under the new law, electoral candidates must be at least 21 years old, whereas the minimum voting age is 18. The announced law scrapped an earlier draft proposal that had reserved 10 percent of the seats in the General National Congress for women. Members of the Higher National Electoral Commission were sworn in on 12 February. The commission is charged with making preparations to hold the elections.

On 17 February, Libyans celebrated the first anniversary of the uprising against the Qaddafi regime. However, no official celebrations were organised at a national level as a mark of respect for the people killed during the conflict. NTC Chairperson Mustafa Abdul Jalil said in a television address while marking the occasion that the tolerance displayed by the revolutionaries, of all Libyans whether they supported the revolution or not, did not mean they were incapable of dealing with threats to the stability of Libya.

Post-conflict Libya continues to face several challenges. On 31 January, EU High Representative Catherine Ashton issued a statement noting the EU's deep concern at the reports of torture and ill treatment of detainees in Misrata and urged the Libyan authorities to accelerate the process of bringing all detention facilities under their control. On the same day, deputy Prime



Minister Mustafa Abu Shagour told a joint EU-UN workshop in Tripoli that "any violations of human rights will be subject to investigations."

On 3 February, Omar Brebesh, Libya's former ambassador to France was reported dead by the media. Brebesh, who had been working in the interim Foreign Ministry, was called in for questioning and subsequently detained by the Al-Shohoda Ashura militia on 19 January. A day later, his family received the news that his body was at a hospital in Zintan. A preliminary autopsy report and photographs indicated multiple injuries, allegedly due to torture.

Attacks against internally displaced persons (IDPs) have continued. On 6 February, seven people were killed at an IDP camp at Janzur Marine Academy near Tripoli. The people in the camp were from Tawarga, and most are dark-skinned Libyans. Some 35,000 residents of Tawarga are accused by inhabitants of the nearby town of Misrata of supporting Col. Qaddafi against the opposition and involvement in serious crimes.

Sporadic fighting has continued. Rival militias from Misrata and Zintan engaged in armed clashes in Tripoli on 1 February. No deaths or injuries were reported in that incident. On 13 February, 17 people were reported dead and 22 wounded during clashes lasting several days between the Zwai and Tabu tribes in the southeastern town of Al-Kufra. More than 50 people were reported dead following further clashes between the two tribes on 21 February.

On 13 February, representatives of approximately 100 militia groups from western Libya reportedly formed a new federation under the leadership of Col. Mokhtar Fernana. The federation's declared aims are to prevent infighting and to exert

greater influence over the NTC, parts of which are seen as corrupt.

On 17 February a message attributed to members of the ousted regime was widely circulated on the Internet declaring the formation of the Libyan Popular National Movement. Earlier, on 10 February, Saadi Al-Qaddafi, Col. Qaddafi's son, said in a call to Al-Arabiya television that Libyans should expect an uprising and that he was in regular contact with people inside Libya who were unhappy with the present authorities. (Saadi is currently living in neighbouring Niger, which has refused to extradite him for fear of an unfair trial.)

Lawyers for Abdul Hakim Belhaj, head of the Tripoli Military Council, and Sami al-Saadi, a Libyan dissident, on 31 January launched a civil damages claim in England against Sir Mark Allen, a retired senior British Intelligence officer, for complicity in torture, misfeasance in public office and negligence. (Allen is accused of direct involvement in the unlawful rendition of Belhaj and al-Saadi to Qaddafi's security services in 2004.)

On 5 February, several Syrian protesters stormed the Russian embassy in Tripoli, a day after Russia and China had vetoed a Council resolution on Syria on 4 February. The Libyan interim Foreign Ministry issued a statement on 9 February, noting that Libyan authorities had given Syria's charge d'affaires and his staff in Tripoli 72 hours to leave the country. (The NTC officially recognised the Syrian opposition council as the legitimate authority in Syria in October 2011.)

### Human Rights-Related Developments

Navi Pillay, UN High Commissioner for Human Rights, commented during an interview with the Associated Press on 26 January that there was "torture, extra-judicial executions and rape of both men and women" in various detention facilities. Human rights and humanitarian

organisations have been raising similar concerns. *Médecins Sans Frontières* suspended its operations in detention centres in Misrata, on 26 January, protesting the use of torture.

The Human Rights Council's (HRC) Commission of Inquiry on Libya is expected to discuss the findings of its final report with members of the HRC in early March.

### Key Issues

An overarching issue for the Council will be determining the concept of the post-conflict UN mission in Libya and its role in ensuring a successful transition from conflict to peacebuilding. Determining the long-term role and timeframe for UNSMIL and ensuring its full deployment as well as effective functioning will be key issues for the Council in this context.

Minimising the impact of the recent conflict and its aftermath on the civilian population and delivering humanitarian assistance are two related issues for the Council.

Preventing large-scale reprisals and killings in a post-conflict Libya as well as preventing human rights violations and reported torture of detainees are closely related issues for the Council.

An ongoing issue is preventing the spread of sporadic violence between various armed rebel factions.

Determining the role of the panel of experts in its assistance to the Libya Sanctions Committee in the post-conflict period is an important issue for the Council.

Dealing with Libya's assets freeze in an efficient manner is another key issue for the Council, as is its role in the implementation of resolution 1970 with regard to its referral of the Libyan situation to the International Criminal Court (ICC) and any referral-related trials.

The prevention of proliferation of heavy weaponry in a post-conflict Libya as well as the spill over effect in the Sahel region continues to be an issue for Council members.

A long-term issue will be the need for the continued coordination of efforts of various stakeholders and other international bodies in supporting the interim government.

### Underlying Issues

The divisions within the NTC before the interim government is fully functional have become an underlying issue.

An emerging serious underlying problem is settling accounts with members of the previous regime.

### Options

One option for the Council would be to extend UNSMIL's mandate by six months and revise the mandate, after the June 2012 elections in Libya.

Extending UNSMIL's mandate by a year but leaving enough flexibility to allow for revisions following consultations with the new government after the June elections is another option.

UNSMIL's new mandate could, besides assistance to the Libyan authorities in accordance with resolution 2022, also include a monitoring role in the practical applications of human rights, rule of law and transitional justice in Libya with follow on regular briefings to the Council on any developments in this regard. Regarding the panel of experts, the Council could either renew its mandate through the resolution extending UNSMIL, or the Council could adopt a separate resolution extending its mandate by another year as well as revisiting any outstanding sanctions imposed on Libya in this resolution.

With regard to the ICC, the Council could request an update briefing from the ICC prosecutor. A less likely option would be recalling, in a statement, obligations that Libya and other states have to the ICC under resolution 1970.

## Council Dynamics

Council members are in agreement that Libyan authorities face considerable challenges and that the renewed UNSMIL could and should play an important role. However, some members feel that the NTC must do more to extend its authority over armed militias as well as prevent widespread human rights violations of prisoners and IDPs. They feel that the country seems more divided than it did after the NTC declared Libya fully liberated on 23 October 2011.

Some Council members feel that UNSMIL should have an integrated mandate. However, other Council members feel that the UN should only focus on a few key tasks, such as assisting the Libyan authorities with the forthcoming elections and the disarmament, demobilisation and reintegration of rebels.

NATO's previous role and the extent of its involvement during the revolution in Libya remain a source of contention. However, Council members seem to be in agreement that a divided Council will not benefit anyone when the situation in the country remains fragile.

The UK is the lead country on Libya.

## UN Documents

### Security Council Resolutions

- S/RES/2022 (2 December 2011) extended the mandate of UNSMIL until 16 March 2012 and asked UNSMIL to assist the Libyan authorities in addressing the threat of proliferation of arms, in particular Man-Portable Air Defence Systems (MANPADS).
- S/RES/2017 (31 October 2011) discussed the non-proliferation of MANPADS, chemical weapons stockpiles and other small arms.
- S/RES/2016 (27 October 2011) lifted the no-fly zone and the provisions for the use of force for the protection of civilians.
- S/RES/2009 (16 September 2011)

authorised the deployment of UNSMIL and partially lifted sanctions.

- S/RES/1973 (17 March 2011) authorised all necessary measures to protect civilians in Libya and enforce the arms embargo, imposed a no-fly zone, strengthened the sanctions regime and established a panel of experts.
- S/RES/1970 (26 February 2011) referred the situation in Libya to the ICC, imposed an arms embargo and targeted sanctions and established a sanctions committee.

### Latest Secretary-General's Report

- S/2011/727 (22 November 2011)

### Latest Meeting Records

- S/PV.6707 (25 January 2012)
- S/PV.6698 (22 December 2011)
- S/PV.6673 (2 December 2011)
- S/PV.6669 (28 November 2011)

### Other

- S/2012/42 (17 January 2012) transmitted the report of the assessment mission on the impact of the Libyan crisis on the Sahel region.
- S/2012/32 (12 January 2012) was the letter from the chair of the sanctions committee submitting an annual report on the committee's activities.

## Other Relevant Facts

### Chair of the Sanctions Committee

José Filipe Moraes Cabral (Portugal)

### Sanctions Committee's Panel of Experts

- Youseif Fahed Ahmed Alserhan, Jordan (maritime)
- Oumar Dièye Sidi, Niger (customs)
- Simon Dilloway, UK (finance)
- Theodore M. Murphy, US (humanitarian and regional)
- Giovanna Perri, Italy (finance)
- Salim Raad, Lebanon (heavy weapons)
- Savannah de Tessières, France (small arms and light weapons)
- Ahmed Zerhouni, Algeria (aviation)

### Special Representative of the Secretary-General and Head of UNSMIL

Ian Martin (UK)



## Guinea-Bissau

### Expected Council Action

In March, the Council expects a briefing by the Secretary-General's Special Representative in Guinea-Bissau, Joseph Mutaboba, on recent developments in the country, including presidential elections scheduled for 18 March to succeed Malam Bacai Sanhá, who died on 9 January. The mandate of the UN Integrated Peacebuilding Office in Guinea-Bissau (UNIOGBIS) expires on 28 February 2013.

A press statement on the elections is a possibility.

### Key Recent Developments

Under-Secretary-General for Political Affairs B. Lynn Pascoe briefed the Council on the situation in Guinea-Bissau on 10 January, following the death of President Sanhá in Paris the day before and on an apparent attempted military coup on 26 December 2011. The Council issued a press statement (SC/10521) after the briefing expressing condolences and welcoming Guinea-Bissau's decision to investigate the coup attempt and to hold accountable those responsible. The statement called on the government to "continue to pursue important reforms for the consolidation of peace and stability in Guinea-Bissau, especially regarding security-sector reform, with particular attention to the launching of the pension fund for members of the armed forces and efforts to counter narcotics trafficking."

In a statement on 13 January, the Secretary-General encouraged the government, political parties and people of Guinea-Bissau to respect the country's legal institutions during the transition in order to ensure peaceful, timely and fair presidential elections.



As part of his monthly briefing on emerging issues, Pascoe again briefed the Council on Guinea-Bissau on 10 February, noting the forthcoming presidential elections. That same day, Prime Minister Carlos Gomes Júnior appointed Adiatu Djalo Nandigna as his replacement, allowing Gomes Júnior to focus on his presidential campaign to succeed Sanhá. Nandigna is the first female prime minister of Guinea-Bissau. (Resolution 2030, which renewed the mandate of UNIOGBIS on 21 December 2011, emphasised the important role of women in peacebuilding and called for an improvement in women's participation in governance.) Gomes Júnior is favoured to win at the polls on 18 March. Nandigna is Gomes Júnior's campaign manager.

On 3 November 2011, the Council discussed the Secretary-General's latest report on UNIOGBIS. The Council was briefed by Mutaboba; Ambassador Maria Luiza Ribeiro Viotti (Brazil), chair of the Guinea-Bissau configuration of the Peacebuilding Commission (PBC); and Maria Helena Nosoline Embaló, Guinea-Bissau's Minister of Economy, Planning and Regional Integration.

The briefing, like the Secretary-General's report, focused on the uncertain political situation caused by the deep challenges facing the security and rule-of-law sectors and the problems of organised crime and drug trafficking. During the briefing, Embaló noted that her government lacks the technical and financial capacity to ensure the rule of law but that the government is moving forward with its justice-sector reforms, including prison system reform, strengthening criminal justice legislation and tackling transnational crime.

Resolution 2030, adopted on 21 December 2011, noted "threats to national and sub-regional security and stability posed by the growth in illicit drug trafficking and organized crime" in Guinea-Bissau and underlined these and "the fight against impunity" as key "priority sectors for peace consolidation" in the country. The

resolution hailed the assistance of the Economic Community of West African States and the Community of Portuguese-Speaking Countries towards the reform of the defence and security sectors in Guinea-Bissau. The resolution called on the Secretary-General to report back to the Council on progress on these efforts in March and to submit a written report in July and every six months thereafter.

The resolution urged leaders of Guinea-Bissau's armed forces to respect constitutional order, civilian rule and oversight, and to refrain from interfering in political issues. It further urged the country's political leaders to refrain from involving the military and the judiciary in politics.

After the resolution was passed, Ambassador João Soares da Gama (Guinea-Bissau), said that his government would do everything possible, with international assistance, to maintain peace, security and the rule of law in the country.

However, the government announced on 26 December—barely five days after the resolution was adopted—that a "small group of soldiers" tried to "topple the top brass of the army and the government" but failed. The incident highlighted the fragility of the country. A significant development afterwards was the arrest of the Chief of Staff of the Navy, Rear Adm. José Américo Bubo Na Tchuto, who is believed to be the mastermind of previous coups. Tchuto is also believed to be the kingpin of drug trafficking in the country (in 2010 the US Treasury froze his assets). It appears that his arrest has somewhat calmed the political and military situation in the country.

### Key Issues

The key issues for the Council remain reform of the security and the rule of law sectors, as well as issues relating to organised crime, in particular drug and child trafficking.

A related issue is the perception of entrenched impunity, since some senior

army officers suspected of being involved in a bloody coup in 2009 remain in powerful positions.

An important issue down the line is to prepare for an eventual transition from UNIOGBIS to a UN country team.

### Underlying Issues

The case of Tchuto epitomises two key underlying problems facing the peacebuilding process in Guinea Bissau: the threat posed to civil authority by the armed forces and the widespread sense of impunity for senior military officers. A military court tried Tchuto briefly for the political assassinations of 2009, but in May 2010 the case was inexplicably closed. Shortly after, in October 2010, Tchuto was promoted.

### Options

Options for the Council include:

- issuing a press statement on the March election;
- addressing key extant issues such as impunity and lack of civilian oversight of the military; or
- taking no action and awaiting the written report from the Secretary-General on UNIOGBIS in July.

### Council Dynamics

Togo replaced Nigeria as lead on Guinea-Bissau in the Council in January. Guinea-Bissau remains of interest to most Council members because it is an unhappy confluence of several key global anxieties: international narcotics trafficking and organised crime, issues relating to impunity and the rule of law and militarism. There is a broad consensus in the Council that because of the fluidity of the situation in the country, the civilian government of Guinea-Bissau needs international support to combat these various scourges.

## UN Documents

### Security Council Resolutions

- S/RES/2030 (21 December 2011) renewed the mandate of UNIOGBIS until 28 February 2013.
- S/RES/1949 (23 November 2010) renewed the mandate of UNIOGBIS until 31 December 2011.
- S/RES/1876 (26 June 2009) extended the mandate of UNOGBIS—the predecessor of UNIOGBIS—until 31 December 2009.

### Secretary-General's Reports

- S/2011/655 (21 October 2011) covered major developments in Guinea-Bissau since June 2011.
- S/2011/370 (17 June 2011) covered major developments in Guinea-Bissau from 15 February 2011 to June 2011.
- S/2011/73 (15 February 2011) covered major developments from 25 October 2010 to February 2011.

### Press Statements

- SC/10521 (13 January 2012) was issued after the briefing by Pascoe on 10 January.
- SC/10301 (28 June 2011) was issued after the briefing by Mutaboba and Viotti
- SC/10184 (25 February 2011) was issued after the briefing by Mutaboba and Viotti

### Meeting Records

- S/PV.6648 (3 November 2011)
- S/PV.6569 (28 June 2011)
- S/PV.6489 (25 February 2011)

## Other Relevant Facts

### Special Representative of the Secretary-General and Head of UNIOGBIS

Joseph Mutaboba (Rwanda)

### Duration

1 January 2010 to present; mandate expires 28 February 2013

### Chair of the Guinea-Bissau Configuration of the PBC

Brazil

## Sierra Leone

### Expected Council Action

In March the Council is expected to consider the Secretary-General's mid-term report on the UN Integrated Peacebuilding Office in Sierra Leone (UNIPSIL), due mid-March. Under-Secretary-General for Political Affairs B. Lynn Pascoe will brief the Council.

The mandate of UNIPSIL expires on 15 September 2012.

### Key Recent Developments

On 6 February, the Secretary-General withdrew his Executive Representative for UNIPSIL, Michael von der Schulenburg, following a request by the Sierra Leone government. Schulenburg had been in the post since 2008, first as acting Executive Representative, and then as head of a reconfigured UNIPSIL since January 2009. It appears that the relationship between Schulenburg and President of Sierra Leone Ernest Bai Koroma began to deteriorate in 2010 after Schulenburg advised the government to drop plans for holding what would have been a politically motivated inquest into extrajudicial executions perpetrated in 1992 by the then military regime. (On 31 July 2011, the opposition Sierra Leone Peoples' Party (SLPP) chose as its presidential candidate retired Brig. Gen. Julius Maada Bio, who might have been ensnared in the inquest had it been held because of his participation in that military regime.)

Schulenburg last briefed the Council on developments in the country on 12 September 2011. He noted that the elections in November 2012 would be the critical test of Sierra Leone's continuing stability. He reported violent clashes between the ruling party and the opposition, including a stone-throwing attack on Bio on 9 September, which led to widespread violence in parts of the country. Schulenburg argued that a recent public apology by Bio for the crimes of the military regime should be accepted, welcoming the fact that "some of



those who have been involved in previously undemocratic governments are now taking part in today's democratic political life."

On 14 September, the Council passed resolution 2005, renewing the mandate of UNIPSIL for a year and charging it with providing technical assistance to all relevant stakeholders to play a meaningful role "in achieving peaceful, credible and democratic elections." The resolution also called on the government to "hold regular, inclusive and constructive party political dialogue on all major national, political, social and economic issues" bearing on "the future peace and development of Sierra Leone."

Schulenburg's statement to the Council welcoming Bio's apology angered the authorities and was followed immediately by media attacks on him in pro-government newspapers and by the incumbent All Peoples' Congress (APC) party. On 21 September, a member of President Koroma's delegation to the General Assembly, Mohamed Bangura—head of a newly created political party but who was included in Koroma's delegation as "Adviser, Ministry of Foreign Affairs"—delivered a letter to the Secretary-General accusing Schulenburg of mentoring and providing financial support to the opposition SLPP. When news of this letter circulated, the government issued a statement on 7 October denying that Bangura had been a member of Koroma's delegation. But in December, the government formally requested the Secretary-General to replace Schulenburg.

On 14 January, a by-election for a local council seat in Freetown, reputedly an APC stronghold, was accompanied by violent clashes between supporters of the APC and the SLPP, in which several people were seriously wounded by personnel of the

Operational Services Division (OSD), the armed wing of the national police. The SLPP candidate, Mohamed Kanu-Mansaray, won the election but was arrested and charged with attempted kidnapping a few days later. He pleaded not guilty but was refused bail several times. The case is still ongoing.

The National Elections Commission commenced voter registration on 23 January, which is due to end on 25 March. On 5 February, the SLPP issued a statement claiming that the government was transporting armed ex-combatants from different parts of the country to register in opposition strongholds in order to “provoke violence” during the elections. On 9 February the government issued a counter-statement dismissing the opposition’s claims as “mischievous” and “a deliberate attempt to misinform” the public.

On 30 January and 1 February, the Sierra Leone government held a national conference on development and transformation, which drafted a 50-year plan of economic development. The conference was a government initiative to mark the 50th anniversary of independence and—according to the concept note for it—was meant to fashion “a clear vision and strategy which plans and programmes for the transformation” of Sierra Leone in the next 50 years. (The opposition SLPP boycotted the conference claiming that Koroma had politicised the process and that it had not been fully consulted.)

### Developments in the Peacebuilding Commission (PBC)

The chair of the PBC country-specific configuration on Sierra Leone, Ambassador Guillermo Rishchynski (Canada), visited Sierra Leone from 21 to 31 January. Rishchynski met with Schulenburg and Koroma and also with government ministers, opposition politicians, and civil society activists, discussing the rising political tensions in the country as well as the continuing problem of youth unemployment.

## Key Issues

The key issue for the Council is how to prevent Sierra Leone from sliding into violence before, during and after the November elections and to ensure a smooth transition of UNIPSIL to a UN country team in 2013.

A related issue is to ensure a reasonably level playing field during the electoral process, including ensuring opposition access to the Sierra Leone Broadcasting Corporation (SLBC), which was jointly inaugurated by the Secretary-General and Koroma in June 2010.

## Underlying Issues

An underlying issue is that the recommendations contained in the 2 April 2009 Joint Communiqué, signed by the APC and the opposition with the UN acting as moral guarantor, have been ignored. The communiqué called for constant dialogue between the leaders of the two main parties, but to date, Koroma and Bio have not spoken since the latter was elected leader of the SLPP.

A related issue is the release and implementation of the recommendations of the UN-funded commission headed by Justice Emmanuel E.C. Shears-Moses, which investigated political violence in the country in 2009. The commission submitted its report to the government in April 2010, but the report has not been made public, presumably because it held the ruling party culpable for instigating the violence.

## Options

The Council could:

- request frequent (possibly monthly) updates on the situation in Sierra Leone, including human rights reports, in the run-up to the elections, in an effort to take adequate stock of troubling signs that seem to cloud what is generally perceived as a success story;
- invite more interaction with the chair of the PBC configuration; and

- initiate an exchange of views on eventual transition of UNIPSIL to a UN country team.

## Council Dynamics

Council members view Sierra Leone as a success story, though there are anxieties about the direction of the country as it heads toward elections in November and the withdrawal of the Executive Representative for UNIPSIL does not necessarily bode well. Nevertheless, the Council seems to be unanimous regarding the need for a strong political mandate for UNIPSIL through the elections.

The UK is the lead country in the Council on Sierra Leone.

### UN Documents

#### Security Council Resolutions

- S/RES/2005 (14 September 2011) extended the mandate of UNIPSIL until 15 September 2012.
- S/RES/1941 (29 September 2010) extended the mandate of UNIPSIL until 15 September 2011.
- S/RES/1688 (16 June 2006) requested the Secretary-General to assist in the transfer of former Liberian President Charles Taylor to The Hague.

#### Secretary-General's Reports

- S/2011/554 (2 September 2011) covers the period from 1 March to 31 August 2011.
- S/2011/119 (9 March 2011) covers the period from 1 September 2010 to 28 February 2011.

#### Meeting Records

- S/PV.6609 (12 September 2011) was the Council’s meeting on UNIPSIL.
- S/PV.6504 (24 March 2011) was the Council’s meeting on UNIPSIL.

#### Peacebuilding Commission

- PBC/4/SLE/3 (28 September 2010) was the review of the outcome of the high-level special session of the PBC on Sierra Leone.



## Other Relevant Facts

### UNIPSIL Executive Representative of the Secretary-General

Currently Vacant

### Size and Composition of Mission

*Staff strength (as of 31 March 2011):* 34 international civilians, 29 local civilians and 6 UN volunteers

### Duration

1 October 2008 to present; mandate expires 15 September 2012

### Chair of the Sierra Leone Configuration of the PBC

Ambassador Guillermo Rishchynski (Canada)

## Afghanistan

### Expected Council Action

In March, the Council is expected to extend the mandate of the UN Assistance Mission in Afghanistan (UNAMA) for a further 12 months ahead of its expiration on 23 March. Ján Kubiš, the new head of the mission, is expected to brief on the Secretary-General's quarterly report on the mission (due in early March) at a debate in the Council.

In resolution 1974, the Council requested the Secretary-General to "conduct a comprehensive review of UNAMA's mandated activities and the United Nations' support in Afghanistan...with a view to informing the Council's review of UNAMA's mandate in March 2012." The elements of the review that were approved by the Secretary-General's Policy Committee in early February will help to inform the Secretary-General's March report, although it is unclear how they will be reflected in the report and what impact they might have on UNAMA's mandate. (The review had been suggested in a letter from Afghanistan's Foreign Minister, Zalmay Rassoul, to the Council on 1 March 2011. For more background on the letter, please see the Afghanistan brief in our July 2011 *Forecast*.)

## Key Recent Developments

Two high-level international conferences on Afghanistan were held in late 2011. On 2 November 2011, the representatives of more than a dozen states and multilateral organisations, including the UN, NATO and the EU, convened in Istanbul, Turkey, to discuss strategies for promoting security and cooperation in Afghanistan and the neighbouring region.

On 5 December 2011, Germany hosted an international conference in Bonn entitled "Afghanistan and the International Community: From Transition to the Transformation Decade," which included the participation of 85 countries and 15 international organisations. The conference focused on reaffirming the partnership between the international community and Afghanistan in upholding mutual commitments on a broad range of issues, including governance, security, the peace process, socio-economic development and regional cooperation. On 6 December, Afghanistan and Germany sent the conclusions of the Bonn conference to the Secretary-General, who circulated them to the Security Council and the General Assembly. The Council on 19 December, adopted a presidential statement welcoming the Bonn conference and its conclusions and commending the outcome of the Istanbul conference. The statement also underscored the UN's critical role in Afghanistan. Follow-up conferences at the ministerial level are currently scheduled (to the Istanbul conference in June in Kabul and the Bonn conference in July in Tokyo).

Violent incidents continued to occur in Afghanistan. On 6 December, a militant Sunni group based in Pakistan, Lashkar-e-Jhangvi, launched coordinated bombings that claimed the lives of more than 63 Shiites at religious celebrations marking the Shiite holy day of Ashura in Kabul, Kandahar and Mazar-i-Sharif. (The attacks marked the first time that this militant group had struck in Afghanistan.)

Insurgents conducted four separate attacks on 18 and 19 January in the south of Afghanistan that resulted in more than two-dozen deaths. One of the four attacks was a suicide car bombing outside NATO's Kandahar airbase. The other three, which occurred in Helmand Province, included an attack on a police checkpoint in the Now Zad district (followed by a gunfight between Afghan police and insurgents), a roadside bomb that claimed the lives of a politician and an intelligence official in the Nad Ali district and a suicide bombing carried out by a motorcyclist targeting a joint Afghan-NATO patrol in Kajaki district.

Four French soldiers were killed on 20 January by Afghan security forces on a training mission in the eastern part of Afghanistan. (This incident was one of a series of attacks in recent months by Afghan security forces, or insurgents disguised as Afghan security personnel, on NATO troops.)

At the US's Bagram airbase in Parwan Province, Afghan workers spotted NATO personnel burning books, including an unspecified number of Korans, on 20 February. The incident sparked violent protests across Afghanistan that had lasted for several days and claimed the lives of 23 people at press time. In the aftermath of the incident, some members of Afghanistan's parliament encouraged the Afghan people to fight the US military. On 23 February, US President Barack Obama apologised to Afghan President Hamid Karzai and to the Afghan people for the incident in a letter delivered by the US ambassador, Ryan Crocker. After two US military officers were shot and killed, apparently by an Afghan national, in the Ministry of the Interior in Kabul on 25 February, US General John Allen, the NATO commander in the country,

ordered that US advisors withdraw from all government ministries in the capital. Also on 25 February, protestors attacked a UNAMA office in Kunduz Province in northern Afghanistan. In response UNAMA announced on 27 February that it would temporarily relocate international personnel from this facility.

In early 2012, NATO and some key members of the alliance made important announcements about their future military engagement in Afghanistan. French President Nicholas Sarkozy said on 27 January that France would fully withdraw its combat forces from the country by the end of 2013. On 1 February, US Defence Secretary Leon Panetta announced that by mid-2013 the US military would fully transition from a combat role to one of assistance and advice to Afghan security forces. NATO Secretary-General Anders Fogh Rasmussen reaffirmed during a 3 February press conference in Brussels that NATO would withdraw from Afghanistan by the end of 2014.

In early January, the Taliban began the process of setting up a political office in Qatar, where Taliban figures held confidence-building talks with US officials later in the month. During the talks, Taliban officials requested the release of prisoners held at the US military base at Guantánamo Bay. Marc Grossman, the US Special Envoy to Afghanistan and Pakistan, has said that the US could engage in genuine peace talks with the Taliban only after they renounce terrorism and commit to the peace process in Afghanistan. It seems that Grossman also briefed Karzai about his discussions with the Taliban.

On 15 February, Karzai indicated in an interview that Afghan government representatives had held initial discussions with the Taliban, signalling an apparent departure from previous behaviour by the Taliban, which had been reluctant to engage directly with the government. However, on 17 February, the Taliban issued a statement in which it claimed that it had not met with government representatives.

Tensions surfaced between Afghanistan and Pakistan on 16 February after Karzai, who was on a two-day visit to Islamabad, requested Pakistan's support in convincing insurgents to negotiate with his government. On 17 February, Hina Rabbani Kar, Pakistan's Foreign Minister, said it was "preposterous" to assume that Pakistan would be able to do this.

On 21 February, Kar expressed Pakistan's reluctance to give support for US-led peace talks with the Taliban in Qatar, noting that it did not appear that this initiative had the backing of Afghanistan. Karzai has stated that he would prefer if peace talks with the Taliban were held in Saudi Arabia, rather than Qatar. (Some reports have suggested that Karzai may have felt sidelined by the Qatar discussions, as they were started without his initiative.)

On 24 February, Yousuf Raza Gilani, Pakistan's Prime Minister, appealed to the Taliban to engage in peace talks with the government of Afghanistan. This marked the first time Pakistan had made such a public appeal to the Taliban.

### Human Rights-Related Developments

The Afghanistan Independent Human Rights Commission (AIHRC) warned on 13 February that the government would be labeled as a "failed state" as to its commitments to ensure women's rights unless it stopped widespread violence against women in the country. According to AIHRC, the cases of violence against women in the last nine months of 2011 had increased by 51 percent throughout the country. The commission expressed concern about the lack of initiatives and achievements at the Ministry of Women's Affairs. In contrast, the Ministry of Religious Affairs had made it clear to imams that religious scholars maintained that forced marriage, child marriage and the abduction of girls as a means to settle disputes were anti-Islamic practices.

## Key Issues

A key issue is that there are considerable concerns about the ability of Afghan security forces to perform effectively as they assume greater responsibility from International Security Assistance Force (ISAF) countries that are in the process of drawing down their troop levels.

A related issue is the need for sustained international financial support for the salaries of Afghan security forces moving ahead, especially considering the current era of financial austerity.

If the security environment continues to deteriorate, an important issue for the Council will be how effectively UNAMA, which is a political mission, is able to conduct its mandated activities.

Another key issue is how to support the reconciliation process in Afghanistan especially since it remains unclear how committed key elements of the Taliban are to negotiating directly with the Afghan government.

A key issue is also the need for the government to promote political inclusiveness and participation among the broader population and to strengthen its human rights policies.

Also an important issue is whether the international community will be able to use the commitments made at the recent international conferences in Istanbul and Bonn as a springboard for sustained, long-term support for Afghanistan. Related to this is how participants in the upcoming follow-up conferences in Kabul in June and Tokyo in July build upon the commitments made in Istanbul and Bonn respectively.

## Options

In renewing UNAMA's mandate, the Council could:

- reaffirm the strategic consensus achieved at the Bonn conference and encourage efforts to provide support for the commitments made during the conference;

- underscore the importance of regional cooperation, noting in particular the commitments made during the Istanbul conference and encouraging support for them;
- welcome the opening of the Taliban office in Qatar as a positive step in the reconciliation process, while encouraging further dialogue on the peace process among the Afghan government, the Taliban and other key stakeholders; and
- emphasise the importance of respecting Afghanistan's sovereignty, while also underscoring the critical importance of UNAMA in assisting Afghan authorities in developing the capacity of governing institutions.

The Council could also use the opportunity of the mandate renewal to highlight the need for the government of Afghanistan to strengthen its respect for human rights. Two reports that UNAMA produced in late 2011 in conjunction with the Office of the High Commissioner for Human Rights cast a negative light on the government's human rights record. "Treatment of Conflict-Related Detainees in Afghan Custody", provides detailed evidence of torture and abuse of detainees by the Afghan National Police and the National Directorate of Security in numerous detention facilities across Afghanistan and "A Long Way to Go: Implementation of the Elimination of Violence against Women Law in Afghanistan", argues that the August 2009 law regarding the elimination of violence against women has not been widely applied. (The head of UNAMA's human rights component briefed Council members in an Arria formula meeting on 7 February.)

### Council Dynamics

There is widespread support in the Council for UNAMA's mandate, particularly as it relates to supporting issues such as national reconciliation, human rights, development and the rule of law. Council members are likewise broadly in favour of promoting greater Afghan ownership of security, political and economic institutions, especially as

ISAF draws down. However, there appears to be concern among several Council members about the extremely fragile security environment and what implications this could have on UNAMA's effectiveness moving forward, especially if Afghan security forces are unable to provide adequate protection as they assume greater responsibility for security.

In addition to permanent members Russia and China, the current Council membership includes several other countries in Afghanistan's neighbourhood, such as India, Pakistan and Azerbaijan. Russia has consistently expressed its concern about drug trafficking and civilian casualties in the conflict, while India seems particularly sensitive to the terrorist threat posed by extremists in Afghanistan. New Council member Pakistan has pledged its commitment to a stable, peaceful and economically successful Afghanistan, while suggesting that it has been unjustly accused of not doing enough to combat extremists along its border with Afghanistan.

Germany is the lead country in the Council on Afghanistan.

### UN Documents

#### Security Council Resolutions

- S/RES/1974 (22 March 2011) renewed UNAMA's mandate until 23 March 2012.
- S/RES/1943 (13 October 2010) extended ISAF's mandate until 13 October 2011.
- S/RES/1401 (28 March 2002) created UNAMA.

#### Latest Secretary-General's Report

- S/2011/772 (13 December 2011)

#### Other

- S/PV.6690 (19 December 2011) is the record of the most recent debate on Afghanistan.



### Other Relevant Facts

#### Special Representative of the Secretary-General and UNAMA's Head of Mission

Ján Kubiš (Slovakia)

#### UNAMA: Size, Composition and Duration

Strength (as of 31 January 2012):  
415 international civilians, 1,728 local civilians, 13 military observers, 2 police, 76 UN volunteers  
Duration: 28 March 2002 to present; mandate expires on 23 March 2012.

#### ISAF Military Commander

Gen. John R. Allen (US)

#### Senior Civilian Representative

Ambassador Simon Gass (UK)

#### ISAF: Size, Composition and Duration

Total strength (as of 9 January 2012):  
about 130,236 troops; 28 Provincial Reconstruction Teams  
Contributors of military personnel:  
50 NATO and non-NATO countries  
Current top contributors: US, UK, Germany, France and Italy  
Duration: 20 December 2001 to present; mandate expires on 13 October 2012.

## Yemen

### Expected Council Action

In March, the Council is expecting a briefing in consultations on the situation in Yemen by the Secretary-General's Special Adviser, Jamal Benomar. (Benomar has been briefing the Council regularly since the adoption of resolution 2014 on 21 October 2011.)

No Council action is expected at this point.

### Key Recent Developments

Yemen has seen many important developments in the last several weeks. Benomar last briefed the Council on 25 January after



extensive travel in the region and within Yemen. In a press statement issued on 25 January, the members of the Council welcomed the formation of the Government of National Unity following the signing of the Gulf Cooperation Council (GCC) initiative and called for peaceful elections on 21 February. Members of the Council were concerned by the deteriorating security situation and condemned terrorism while urging all parties to reject violence.

Violent incidents have indeed continued. Thousands protested, on 24 December 2011, against the killing of nine demonstrators in Taiz by forces loyal to President Ali Abdullah Saleh. On 5 January, country-wide protests demanding the release of political detainees took place. Militants reportedly affiliated with Al-Qaeda seized the town of Radda in Al-Baydah province, 105 miles southeast of Sana'a, on 14 January. On 23 January, a wave of mutinies that spread to four Yemeni air bases—in Sanaa, Al-Anad, Taiz and Hodeida—was reported. Yemeni airmen demanded the removal of Maj. Gen. Mohammed Saleh, the president's half-brother and commander of the air force.

Saleh departed Yemen for medical treatment in the US via Oman on 22 January, but returned to Sanaa in time for the presidential inauguration of Vice President Abdrabuh Mansour Hadi on 25 February.

The process leading up to the election encountered considerable challenges as there was a great deal of uncertainty if Saleh was serious about the election and if indeed the election would take place. After meetings with US and UN diplomats, on 18 January, Foreign Minister Abu Bakr Al-Qirbi reportedly retracted his earlier comments made to Al-Arabiya television that the presidential elections might be postponed. On 21 January, the Yemeni parliament approved Hadi's nomination as the consensus candidate for the presidential elections.

On 21 February, uncontested presidential elections took place. Several people were

reported killed or wounded in sporadic violence throughout Yemen, including attacks on polling stations. Shiite Houthis in the north and the separatist Southern Movement boycotted the elections. Under the terms of the GCC initiative, Hadi is charged with extending national dialogue to include all political parties and to consider proposals for constitutional reform and the restructuring of the armed forces. (Saleh signed the GCC initiative in Riyadh, on 23 November, after negotiating an accompanying "implementation mechanism" that dealt with the details of the transition process, including the granting of immunity to Saleh and his aides, his role during the transition period as well as the timeframe.)

Following the presidential election, members of the Council issued a press statement on 22 February, acknowledging the significance of the political transition through presidential elections and encouraging a fully inclusive national dialogue, the constitutional review and other pending issues.

### Human Rights-Related Developments

On 6 January, Navi Pillay, UN High Commissioner for Human Rights, urged decision-makers in Yemen to respect the prohibition in international law against amnesties for gross human rights violations. Pillay observed that international law and UN policy were clear in that amnesties were not permissible if they prevented the prosecution of individuals suspected of international crimes, including war crimes, crimes against humanity, genocide and gross violations of human rights. Pillay stressed that a victim-centred approach to justice was essential to restore stability to a society emerging from a period of violent conflict. (Pillay is expected to report to the Human Rights Council, in March, on the situation in Yemen.)

On 8 January, the government approved a draft law granting Saleh and his aides immunity from prosecution for the

deaths of protesters. The draft law was amended on 19 January to offer blanket immunity to Saleh but only shield his aides in "political cases." The amended law was adopted on 21 January.

### Key Issues

The key issue for the Council is to determine what role it can play in post-Saleh Yemen to foster a peaceful political transition that abides by the timetables of the GCC initiative and the accompanying implementation mechanism.

A further issue for the Council is its role in preventing a civil war that might threaten Yemen's territorial integrity.

A related issue for the Council is dealing with the continually precarious security situation in Yemen, which could undermine the new president's position and the prospects for a political transition process.

### Options

The Council's options include:

- simply keeping abreast of the developments in Yemen and receiving regular briefings from Benomar and the Department of Political Affairs;
- issuing a statement encouraging Yemen's key players to continue to engage in dialogue and ensure the full implementation of the GCC initiative and the accompanying mechanism, whilst emphasising greater unity and political inclusiveness, with the aid of the GCC; or
- agreeing on a clear message cautioning that the Council will be watching the political process closely and warning potential spoilers against any attempt to derail the current transition process (a less likely option).

### Council Dynamics

Council members continue to be cautiously optimistic. However, they acknowledge that despite the symbolism of presidential elections, the process of political transition remains fragile. They are aware that Saleh still holds considerable influence as the head of one of the main political parties,

with close relatives holding key military positions, and may therefore be capable of derailing the process.

Council members realise that the continuing poor security situation and perceived lack of inclusiveness of the GCC initiative will have to be remedied soon. Most members would like to maintain the current focus until the full application of the GCC initiative and the accompanying implementation mechanism has occurred.

Some Council members felt that working with the GCC, a regional organisation, was productive despite an imperfect outcome.

The UK has the lead in the Council on Yemen.

## UN Documents

### Security Council Resolution

- S/RES/2014 (21 October 2011) endorsed the GCC initiative for a peaceful transition of power.

### Security Council Press Statements

- SC/10553 (22 February 2012) noted the significance of presidential elections and encouraged further steps of transition to be taken promptly.
- SC/10529 (25 January 2012) welcomed the formation of the Government of National Unity and called for credible elections on 21 February.
- SC/10504 (22 December 2011) welcomed the progress that had been made on implementing the GCC initiative and reiterated their call that it be implemented in a timely and transparent manner.
- SC/10460 (28 November 2011) welcomed the signing of the GCC initiative.
- SC/10394 (24 September 2011) urged all parties to reject violence.
- SC/10357 (9 August 2011) expressed concern at the worsening economic, humanitarian and security situations.
- SC/10296 (24 June 2011) expressed grave concern at the deteriorating security and humanitarian situation.

## Other Relevant Facts

### Special Adviser to the Secretary-General on Yemen

Jamal Benomar (Morocco)

## Lebanon

### Expected Council Action

In March, Council members are expected to hold consultations on the Secretary-General's report on the implementation of resolution 1701, which on 11 August 2006 called for a cessation of hostilities between Hezbollah and Israel. Derek Plumbly, who took up the post of Special Coordinator for Lebanon on 4 February, will provide his first briefing to Council members in informal consultations. A representative from the Department of Peacekeeping Operations will also brief.

No formal action is expected. The mandate of the UN Interim Force in Lebanon (UNIFIL) expires on 31 August 2012.

The spill-over effects in Lebanon from the crisis in Syria are likely to be on Council members' minds.

### Key Recent Developments

At press time, the Secretary-General's next report on the implementation of resolution 1701 was due in late February and was expected to portray the situation in southern Lebanon as relatively stable despite several security incidents.

Two explosions occurred in Tyre on 16 November 2011, targeting a hotel and a liquor store. The Office of the Special Coordinator for Lebanon expressed concern about stability in the country, particularly in the south. A similar incident occurred on 28 December 2011, targeting a restaurant in Tyre. Media reports indicate the targeted areas were frequented by UN staff. There were no casualties in these incidents.

On 9 December 2011, a bomb exploded on a road regularly travelled by UNIFIL



personnel, injuring five French peacekeepers and two civilians (similar incidents occurred in May and July of last year). On 11 December, French Foreign Minister Alain Juppé expressed concern that Damascus may have orchestrated the attack. Syria denied it was behind the attack.

Several border incidents occurred. On 29 November 2011, rockets were fired from southern Lebanon into northern Israel. Israel returned fire with artillery shells. UNIFIL called for restraint and investigated the incident. There were no casualties. On 11 December a rocket that was fired from Lebanon towards Israel landed in Lebanese territory, injuring a woman. UNIFIL investigated.

On 19 December media reports indicated that the Lebanese Armed Forces (LAF) discovered and dismantled four rockets in southern Lebanon.

The UNIFIL force commander held a tripartite mechanism meeting with the LAF and the Israeli army on 22 February on additional security measures along the Blue Line to help reduce border tensions. In particular, this meeting focused on the Israeli plan to replace its current technical fence with a wall near Kfar Kila.

The strategic review of UNIFIL requested in resolution 2004 was recently carried out by the Department of Peacekeeping Operations in consultation with UNIFIL, Lebanon, Israel and troop-contributing countries. This review is linked to the strategic dialogue between the peacekeeping force and the Lebanese army, which aims to move security tasks from UNIFIL to LAF. (Plumbly has indicated that part of his focus as the new Special Coordinator will be a strong working relationship with the UNIFIL force

commander with an emphasis on the strategic dialogue.)

At press time, the review's recommendations were not finalised but were expected to highlight the lack of political progress between Israel and Lebanon, underscoring the importance of safeguarding security in southern Lebanon in light of the regional political climate. The findings of the review will be transmitted by the Secretary-General in a letter to Council members separate from the 1701 reporting cycle. However, it is possible the forthcoming 1701 report may provide a very preliminary update on the review process.

The Secretary-General's report is also expected to track ongoing issues such as Israeli-occupied northern Ghajar, demarcation of the Blue Line, Israeli over-flights, maritime issues and security along the line of buoys and how the Syrian situation continues to impact Lebanon.

Media reported on 7 February that Syrian troops were laying mines along the border in northern Lebanon to stop weapons smuggling into Syria and to prevent refugees or military defectors from entering Lebanon. (There are approximately 6,900 Syrian refugees registered by the UN in Lebanon.)

Analysts note that the Syrian situation has the potential to significantly upset the fragile political balance in Lebanon. On 10 February there were rallies across Lebanon against the crackdown in Syria. Gunfire broke out in Tripoli between Alawite supporters and Sunni opponents of Assad—the groups have fought sporadically since the end of the civil war in 1991—resulting in three dead and 20 injured. The LAF restored order.

Lebanese Prime Minister Najib Mikati, who heads a Hezbollah-led cabinet, has established a policy to “disassociate” Lebanon from major international decisions on Syria. This policy is an attempt to mitigate political fallout resulting from support by

Hezbollah and the 8 March political coalition for Syrian President Bashar al-Assad and support by the 14 March political coalition, led by former Lebanese Prime Minister Saad Hariri, for the Syrian protestors.

On 10-11 February, Mikati met with French President Nicolas Sarkozy in Paris. Mikati was informed that France was considering reducing its troop contribution to UNIFIL. (France has the largest contingent of peacekeepers in UNIFIL, approximately 1,300 troops.) While in Paris, Mikati also met with Hariri.

Secretary-General Ban Ki-moon visited Lebanon in mid-January, consulting with Beirut on the extension of the Special Tribunal for Lebanon's activities beyond its initial three-year mandate, which ends on 1 March. (Resolution 1757 provides that if the Tribunal's activities are not completed at the end of three years, then it will be extended for a further period to be determined by the Secretary-General in consultation with Lebanon and the Security Council.) The mandate was extended for a further three years by the Secretary-General to 1 March 2015.

Lebanon paid its portion of the 2011 Tribunal budget on 30 November 2011 (it is responsible for 49 percent of the annual budget, and the remaining 51 percent is from voluntary contributions). Hezbollah had called for Lebanon to cut its ties with the Tribunal yet Mikati had said he “could not be prime minister of a country that did not comply with its international obligations.” It seems the funds were paid through the budget of the office of the prime minister, averting a possible collapse of the government if Mikati were to have resigned. Funding the Tribunal will likely continue to be divisive for Lebanon in 2012.

On 1 February, the Tribunal's trial chamber decided to try in absentia the four men indicted in July 2011 for the 2005 assassination of former Lebanese Prime Minister Rafiq Hariri. Trial activity is not anticipated until late this year. (The

Lebanese prosecutor general had previously reported to the Tribunal that Lebanese authorities had failed to detain any of the accused, who are all Hezbollah members.) Daniel Bellemare, the Tribunal's prosecutor, will not seek a second term due to health reasons. Bellemare's term ends on 29 February and at press time the appointment of the new prosecutor had not been announced.

## Key Issues

The key issue for the Council is how to encourage Israel and Lebanon to move from the status quo—cessation of hostilities—toward a ceasefire. But the current regional political climate makes the likelihood of near-term progress on this issue remote.

An emerging issue for the Council is how to keep UNIFIL adequately resourced as troop-contributing countries face financial constraints that may result in lower troop levels (UNIFIL has an authorised strength of 15,000 troops, with approximately 12,000 on the ground at any given time. This level may decrease during the course of the year.)

Other issues include regular Israeli over-flights and its occupation of Ghajar in violation of resolution 1701 and the fact that Hezbollah maintains significant military capacity in violation of resolutions 1559 and 1701.

## Options

The Council's most likely option is to take no action, as has been the practice since April 2008 (the last time the Council issued a presidential statement on resolution 1701).

## Council Dynamics

Council members agree that UNIFIL is an important stabilising factor between Israel and Lebanon—especially in light of current developments in Syria. However, achieving a permanent ceasefire seems remote, and Council members realise that relative calm in southern Lebanon might be the only achievable goal in the medium term.



Most Council members agree that arms smuggling and disarmament remain key concerns but seem to accept that progress is only likely in the nexus of an inter-Lebanese dialogue and improvement on the Israel-Syria track. (The Lebanese national dialogue process has stalled over the issue of Hezbollah's arms; it last met in November 2010. The Israel-Syria peace track seems indefinitely postponed given the current Syrian crisis.)

Council members see the strategic review of UNIFIL as relevant and timely given the financial constraints faced by troop-contributing countries. However, any potential troop downsizing is of particular concern given the three recent attacks against UNIFIL convoys and the impact of the Syrian situation on Lebanon. In this regard, the review is seen to be in line with good peacekeeping practices to optimise resources to tasks.

Council members are supportive of the UNIFIL-LAF strategic dialogue, which aims at moving forward tasks that UNIFIL can transfer to the LAF, a key provision of resolution 1701.

Council members underscore the importance of the Tribunal's independence and do not foresee a Council role in its activities.

France is the lead country on Lebanon in the Council.

## UN Documents

### Security Council Resolutions

- S/RES/2004 (30 August 2011) renewed UNIFIL until 31 August 2012 and requested a strategic review.
- S/RES/1757 (30 May 2007) established the Special Tribunal for Lebanon to investigate the February 2005 assassination of former Lebanese Prime Minister Rafiq Hariri and 22 others.
- S/RES/1701 (11 August 2006) called for a cessation of hostilities between Hezbollah and Israel.

## Secretary-General's Reports

- S/2012/124 (28 February 2012) was the latest report on resolution 1701.
- S/2011/648 (19 October 2011) was the latest report on resolution 1559.

## Security Council Press Statements

- SC/10478 (9 December 2011), SC/10341 (26 July 2011) and SC/10264 (27 May 2011) condemned attacks on UNIFIL convoys.

## Security Council Letters

- S/2012/101 (16 February 2012) and S/2012/102 (17 February 2012) was an exchange of letters between the Secretary-General and the Security Council regarding the extension of the Tribunal's mandate through 1 March 2015.
- S/2012/53 (18 January 2012) and S/2012/54 (20 January 2012) was an exchange of letters between the Secretary-General and the Security Council regarding the appointment of Maj. Gen. Paolo Serra as the UNIFIL force commander.
- S/2012/34 (12 January 2012) and S/2012/35 (13 January 2012) was an exchange of letters between the Secretary-General and the Security Council regarding the appointment of Derek Plumbly as the UN Special Coordinator for Lebanon.

## Other Relevant Facts

### Special Coordinator for Lebanon

Derek Plumbly (UK)

### Special Envoy for the Implementation of Security Council Resolution 1559

Terje Rød-Larsen (Norway)

### UNIFIL Force Commander

Maj. Gen. Paolo Serra (Italy)

### Size and Composition of UNIFIL as of 31 January 2012

*Authorised:* 15,000 troops

*Current:* 12,138 military personnel

*Troop Contributors:* Austria, Bangladesh, Belarus, Belgium, Brazil, Brunei, Cambodia, China, Croatia, Cyprus, Denmark, El



Salvador, France, FYR of Macedonia, Germany, Ghana, Greece, Guatemala, Hungary, India, Indonesia, Ireland, Italy, Luxembourg, Malaysia, Nepal, Nigeria, Portugal, Qatar, Republic of Korea, Serbia, Sierra Leone, Slovenia, Spain, Sri Lanka, Tanzania and Turkey

### Duration

March 1978 to present; mandate expires 31 August 2012

### Cost

1 July 2011 to 30 June 2012: \$545.47 million (A/C.5/66/14)

## Iran

### Expected Council Action

In March, the chair of the Iran Sanctions Committee (1737 Committee), Ambassador Néstor Osorio (Colombia), is expected to provide the Council with a regular quarterly briefing. The report is likely to be routine. Other Council members will then be given the opportunity to address the issue of Iran's nuclear programme. No Council action is expected following the briefing.

The mandate of the Panel of Experts (which assists the Committee in carrying out its mandate and analyses information regarding the implementation of measures in the four resolutions sanctioning Iran since 2006) expires on 9 June.

### Key Recent Developments

A senior IAEA team arrived in Tehran on 29 January and held talks over three days with Iranian authorities. The objective was reportedly to resolve outstanding substantive issues, as raised in the IAEA Director General's report of 8 November 2011 regarding concerns about "possible military dimensions to Iran's nuclear programme."

Following the visit, Director General Yukiya Amano reiterated the IAEA's commitment to intensifying dialogue. Iran's Fars news agency said that the talks between Iran and the visiting team of inspectors "were held in a positive and constructive atmosphere." Technical and legal issues were reportedly discussed although the IAEA said little substantively about the trip. The team was not permitted to visit any nuclear sites.

In a letter dated 15 February, the secretary of Iran's Supreme National Security Council, Saeed Jalili, replied to the 21 October 2011 letter from the EU's High Representative for Foreign Affairs and Security Policy, Catherine Ashton. (Ashton's letter had said that if Iran were prepared to "engage seriously in meaningful discussions...about the nature of its nuclear programme" then the E3+3—which comprises the P5 members and Germany—would be willing to agree on a next meeting at a convenient venue.) Iran's letter did not set out any preconditions and seemed to mention a willingness to discuss the country's nuclear development. In response, Ashton said she was cautious but optimistic that talks could resume. US Secretary of State Hillary Clinton called for evidence of a "sustained effort by Iran to come to the table." French Foreign Minister Alain Juppé said that the letter remained "ambiguous."

On 21 February, IAEA inspectors completed a further two-day visit to Iran. In a statement on 22 February, the IAEA said that the team had requested access to the military site at Parchin, but that Iran again had not accepted this request. Amano described the refusal as "disappointing," while a White House spokesperson said the US regretted the "failure of Iran to reach an agreement with the IAEA."

In its latest report of 24 February following the inspectors' two recent visits to Iran, the IAEA confirmed that no agreement had been reached with Iran on a structured approach to resolving outstanding issues. The report said that the IAEA "continues

to have serious concerns regarding possible military dimensions to Iran's nuclear programme."

On 23 January, the 27 states of the EU decided to impose further sanctions on Iran, including a full ban on Iranian oil exports. (Under the agreement, EU members will not sign new oil contracts with Iran and will end existing contracts by 1 July.) On 19 February, Iran announced that it would stop exporting oil to the UK and France, saying it would sell the oil to "new customers." Prior to these developments, the EU bought approximately 20 percent of Iran's oil.

On 31 December 2011, US President Barack Obama signed into law the National Defense Authorization Act for Fiscal Year 2012, which imposed new economic sanctions on the Central Bank of Iran. (Under the legislation, by 28 June, any "foreign financial institution owned or controlled by the government of a foreign country" that purchases petroleum from Iran would be prevented from opening US accounts or making financial transactions in the US.) However, the President has the power under the legislation to: delay the sanctions if he determines that there is an insufficient supply of petroleum from other countries; exempt any country that has "significantly reduced its volume of crude oil purchases from Iran"; and delay the imposition of sanctions if he determines that such a waiver would be in the "national security interest of the United States." By the end of February, it seemed that Japan would reach an agreement with the US whereby it would make an 11 percent cut to oil imports from Iran, which would qualify as "significantly" reducing its purchases and thereby exempt it from US sanctions.

Following the enactment of the US sanctions, Iran threatened to blockade the Strait of Hormuz, through which about 20 percent of the world's traded oil travels. In response, the US said it would ensure free movement through the international transit passage

while the UK Defence Secretary said any attempt to block the strait "would be illegal and would be unsuccessful."

Iran's supreme leader Ayatollah Ali Khamenei spoke publicly for the first time on the impact of the new sanctions on 3 February, saying they would "not have any impact on our determination to continue our nuclear course." On 21 February, the deputy head of Iran's armed forces said that Iran would be prepared to take pre-emptive action "if we feel our enemies want to endanger Iran's national interests." The previous day, Iran undertook military exercises to protect its nuclear sites, which it maintains are for peaceful purposes. The statements came amid growing speculation that Israel might seek to strike Tehran's nuclear facilities before Iran enters what Israel's Defence Minister, Ehud Barak, calls a "zone of immunity," after which the Iranian government would be able to complete its nuclear ambitions without "effective interruption."

On 11 January, an Iranian academic who also worked at the Natanz uranium enrichment facility was killed by an explosive device attached to the car in which he was travelling. (It was the sixth assassination of scientists involved in Iran's nuclear programme since 2007 for which Iran blamed Israel and the US.) Secretary Clinton "categorically" denied any US involvement in the attack. Following the incident, Iran unsuccessfully called on the Security Council to condemn the killing.

## Key Issues

The key issue for Council members is Iran's compliance with its obligations under existing Council resolutions and with the IAEA as a non-nuclear-state under the Treaty on Non-Proliferation of Nuclear Weapons. Although the Council has been divided over how to address the issue, a key objective for members is ensuring that Iran's nuclear programme is for non-military purposes.

A related issue for the Council is stability and security in the region, including in the Strait

of Hormuz, and the prevention of hostile actions that might lead to broader conflict.

A key issue is the transparency of the 1737 committee's and its panel of experts' work (the report from May 2011 has yet to be published). The laborious progress made towards the finalisation of Implementation Assistance Notices, which would serve as guides to member states on carrying out Council-imposed sanctions, is also an important issue for many Council members.

### Options

Due to the divisions among the veto-wielding Council members concerning further rounds of sanctions or other action against Iran, Council members generally consider that options to resolve Iran's non-compliance are best pursued through other means. (These have included unilateral sanctions and attempts at resuming the E3+3 negotiations with Iran.)

In terms of the Sanctions Committee's options, its members—who make decisions by consensus under a “no-objection procedure”—could agree to publish the panel of experts' final report from 2011. It could also take on board some of the panel's recommendations concerning how the implementation of sanctions could be made more effective. It seems the recommendations include:

- designating a limited number of additional individuals and entities;
- compiling national lists of items related to procurement for prohibited missile activity;
- updating relevant provisions of resolution 1929, which imposed the most recent set of sanctions on Iran; and
- requesting member states to implement robust internal compliance procedures when doing business with Iran.

A further option for the committee would be to finalise the five Implementation Assistance Notices that are under its consideration and publish them on its website.

Another option for the committee—as mentioned by the chair during his last briefing to the Council and propagated by at least two other elected members—would be to hold an open informational meeting in which the panel would also participate. This meeting could better inform members at large of the 1737 committee's and the panel of experts' mandate and activities.

### Council and Wider Dynamics

There are deep divisions among Council members concerning the best means of addressing Iran's nuclear programme. Several Council members consider that given the differences among the P5, any action in the coming months is likely to occur outside of New York.

While the US has not completely ruled out the prospect of future Council sanctions, Ambassador Susan Rice (US) has said, “barring something unforeseen, I think it will be a little while before there is an appetite for further action” at the UN. Russia has emphatically ruled out the prospect. China has said that it does not want to see Iran become a nuclear-weapons power but has been highly critical of the US and the EU's attempts to isolate Tehran through sanctions. China has urged a resumption of the negotiations on Iran's uranium enrichment programme. It seems that the attention of most Council members will be on a credible and timely resumption of the E3+3 talks, including substantive discussions on Iran's nuclear programme and the “serious concerns” voiced by the IAEA over potential nuclear militarisation.

### UN Documents

#### Security Council Resolutions

- S/RES/1984 (9 June 2011) extended the mandate of the panel of experts that supports the Iran Sanctions Committee for one year.
- S/RES/1929 (9 June 2010) imposed a fourth round of sanctions on Iran.
- S/RES/1803 (3 March 2008) reiterated existing measures against Iran and imposed additional ones.



- S/RES/1747 (24 March 2007) established a ban on Iran's arms exports and added names to the list of people and entities subject to assets freeze.
- S/RES/1737 (23 December 2006) banned trade with Iran of certain items related to nuclear activities and weapon-delivery systems, imposed an asset freeze on certain persons and entities and established a sanctions committee.

#### Latest IAEA Report

- GOV/2012/9 (24 February 2012)

#### Security Council Meeting Record

- S/PV.6697 (21 December 2011) was the quarterly briefing by the Chair of the 1737 Committee.

## Haiti

### Expected Council Action

The Council will likely receive a briefing from Mariano Fernández, the Special Representative of the Secretary-General and head of the UN Stabilisation Mission in Haiti (MINUSTAH), followed by a debate on the semi-annual report on MINUSTAH, which is expected to be released in early March.

The mandate of MINUSTAH expires on 15 October.

### Key Recent Developments

The Council visited Haiti from 13 to 16 February. The mission was led by Ambassador Susan Rice (US) and included the participation of all 15 Council members, most at the permanent representative level.

During the visit, the Council met with Haitian President Michel Martelly, as well as with presidents of both chambers of parliament and a group of senators. The meeting with Martelly covered MINUSTAH's role,



evolution and eventual drawdown. It also appears that Martelly emphasised the importance of economic development to Haiti and expressed his desire for a Haitian national army.

During a meeting with Haitian parliamentarians, it appears that the legislators voiced concern with how MINUSTAH has handled accusations of sexual misconduct against mission police and allegations that the mission caused the cholera outbreak that hit the country in 2010. Despite their concerns, it seems that the parliamentarians cautioned against drawing down the mission too precipitously. In addition, they seem to have discussed with Council members the tensions between the executive and legislative branches. (For detailed SCR coverage of the Council's trip to Haiti, please see our *What's In Blue* entries from 10, 15 and 17 February at <http://whatsinblue.org>).

At press time, Rice was expected to brief the Council on the mission to Haiti on 28 February.

On 3 November 2011, the Bureau des Avocats Internationaux, a Haiti-based human rights law firm, and the Institute for Justice and Democracy in Haiti, a Boston-based non-governmental organisation, filed a petition with the UN requesting financial compensation and judicial remedy from an independent body on behalf of more than 5,000 petitioners affected by the cholera epidemic in Haiti. The UN is currently reviewing the case. (The 4 May 2011 final report of the independent panel of experts, which was appointed by Secretary-General Ban Ki-moon to investigate the source of the cholera epidemic in Haiti, noted that the cholera was a South Asian strain. This would seem consistent with accusations that the source was UN peacekeepers, who had arrived from Nepal shortly before the outbreak of the epidemic in late October 2010. However, the report concluded that "water and sanitation and health care system deficiencies" in Haiti contributed to the

spread of the cholera and that the "outbreak was...not the fault of, or deliberate action of, a group or individual.")

On 16 January, MINUSTAH contacted UN headquarters regarding allegations of sexual abuse and exploitation that had been made against mission personnel in two separate instances. One complaint focused on UN police officers in Port-au-Prince, while the other accusation was against one or more UN personnel serving in the Formed Police Unit in Gonaïves. On 21 January, the UN sent a team to Haiti as part of an investigation into these incidents. The UN's investigation was still underway at press time.

Haitian Prime Minister Garry Conille resigned on 24 February after little more than four months in office. Conille had disagreed with the President Martelly and other government officials on a number of matters, including a potential audit of \$600 to \$800 million in construction contracts awarded in the aftermath of the 2010 earthquake and a parliamentary investigation on the nationality of ministers. (Regarding the contracts, aides to Martelly have suggested that the president believes that an audit—which Conille favoured because of the significant quantity of money and, in his words, "difficult circumstances" involved at a time when the state was facing enormous challenges—should not be conducted because past events should not be revisited. With respect to the investigation of the nationality of ministers, Haitian law forbids ministers from holding office if they have dual citizenship; Martelly told his ministers not to cooperate with the investigation, while Conille said that they should.)

### Human Rights-Related Developments

The Human Rights Council's independent expert on the situation in Haiti, Michel Forst, visited Haiti from 31 January to 8 February. Commenting at the end of his visit, he said that the government had made some progress in

restoring the rule of law. Forst noted, however, that serious challenges remained. On justice, he said suspects were often held in conditions that would be considered cruel, inhuman or degrading under the UN Convention against Torture, and there were still too many delays in bringing them to trial. On conditions in camps, he called for the adoption of a comprehensive national urban planning strategy that would allow internally displaced persons to return to their communities of origin in acceptable conditions rather than to makeshift shelters. Finally, the expert made clear his disappointment with a judge's ruling that former President Jean-Claude Duvalier might not face charges relating to the serious human rights violations that took place during his 15-year rule. Forst supported the intention of families of victims to appeal the judge's decision.

### Key Issues

One key ongoing issue is the continuing urgent need to develop the capacity of the HNP and rule-of-law institutions. (On 16 February, Rice highlighted the challenges of building legal and police institutions during a press conference at the airport in Port-au-Prince.)

Another key issue is the tension between Haiti's executive and legislative branches, which appear to have hindered the effectiveness of the government.

An additional important issue is MINUSTAH's ability to demonstrate its legitimacy and effectiveness in the midst of the recent allegations of sexual misconduct by police personnel from the mission and the petition filed on behalf of victims of the cholera epidemic. A related issue is how the UN handles the investigation and the petition.

A further key issue is the support that MINUSTAH is able to provide for the upcoming elections at the local level and at the national level for one-third of the senate, which are expected to be held later this

year. At press time, a related issue seemed to be the apparent lack of preparation for these elections on the part of Haitian authorities.

Martelly's desire to reconstitute the army and the potential political, economic, and security implications that bringing this desire to fruition would entail, is a further issue. (Pertinent considerations include how the army would be composed, what type of training it would receive, who would provide that training, what its particular responsibilities would be and how funds would be generated to equip and pay the salaries of troops.)

A related issue moving forward could be how MINUSTAH's mandate might be adjusted to accommodate the possible establishment of the army.

## Options

One option is for the Council to receive the briefing and hold the debate without producing a formal outcome.

The Council might also consider issuing a statement that focuses on the Council's recent mission in which it:

- highlights signs that progress has been made and congratulates the Haitian people for this progress;
- encourages the executive and legislative branches to resolve their differences in a cooperative manner; and
- reiterates the UN's commitment to assist the Haitian people in managing the country's challenges related to peace and security issues, restating MINUSTAH's mandated role "to strengthen the capacity of the Haitian National Police (HNP) in order for the HNP to take full responsibility for Haiti's security needs", thus downplaying potential efforts to create an army..

The Council might also request more regular briefings from the Department of Peacekeeping Operations on the situation in Haiti in informal consultations. (This might help Council members keep up to date on

MINUSTAH's activities and events unfolding on the ground, as the Secretary-General reports to the Council on Haiti only on a semi-annual basis.)

## Council Dynamics

It seems that the recent mission to Haiti made Council members vividly aware that the political situation in the country remains fragile. In particular, there are concerns about the political disputes among the president, the parliament and the prime minister.

Many members appear to have been encouraged by the information they received during the Council visit on the apparent close cooperation between UN police and the Haitian National Police (HNP). At the same time, several Council members also appear to want more clarity on when the HNP can be expected to reach the capacity necessary to handle security without international support.

There appears to be widespread support on the Council for MINUSTAH's mandate. Cognisant that Haiti has continued to experience political and security challenges in spite of the UN's involvement over the past two decades, the Council is sensitive about not leaving the country prematurely. However, there are differences of opinion regarding the pace at which the mission can be drawn down safely without jeopardising the gains that have been made.

Although sensitive to Haiti's sovereign right to determine its military policies, many Council members appear to have reservations about the prospect of Haiti developing a national army. These reservations arise from the fact that historically the army has been a force for domestic repression in Haiti. There are also more practical economic considerations, as it is unclear how the army would be supported given the weak condition of Haiti's economy.

Likewise, there appear to be differences of opinion regarding the precise tasks that should engage MINUSTAH personnel. The



UK in particular has argued that some of the reconstruction and development activities that the mission is currently engaged in would be better left to Haitian civilians and other UN agencies.

## UN Documents

### Security Council Resolutions

- S/RES/2012 (14 October 2011) renewed the mandate of MINUSTAH and reduced the number of military personnel by 1,600 and police personnel by 1,150.
- S/RES/1944 (14 October 2010) renewed the mandate of MINUSTAH and called for a comprehensive assessment of the security environment in 2011 following the elections.
- S/RES/1927 (4 June 2010) authorised the deployment of 680 additional officers for the police component of MINUSTAH as a temporary surge, with a particular focus on building the capacity of the HNP.
- S/RES/1908 (19 January 2010) bolstered the troop and police contingents of MINUSTAH by 1,500 additional police and 2,000 additional military personnel.

### Security Council Presidential Statement

- S/PRST/2011/7 (6 April 2011) was adopted at an open debate chaired by Colombia's president.

### Latest Secretary-General's Report

- S/2011/540 (25 August 2011)

### Meeting Record

- S/PV.6618 (16 September 2011) was the most recent debate on Haiti.

## Other Relevant Facts

### Special Representative of the Secretary-General and Head of MINUSTAH

Mariano Fernández (Chile)

## Size and Composition of Mission

*Current strength as of 31 January:* 11,241 total uniformed personnel, including 7,699 troops and 3,542 police. (The uniformed personnel are supported by 557 international civilian personnel, 1,355 local civilian staff [as of 30 November 2011] and 224 UN volunteers.)

## Peacekeeping

### Expected Council Action

In March, the Council is expecting a briefing on peacekeeping by Hervé Ladsous, head of the Department of Peacekeeping Operations (DPKO), followed by consultations. Council members are likely to focus on transitions in peacekeeping, particularly in relation to improving the Council's involvement in peacebuilding processes. No formal outcome is anticipated.

Following the 5 August 2009 presidential statement, which encouraged discussions on peacekeeping with DPKO and the Department of Field Support (DFS), quarterly peacekeeping consultations were held throughout 2010.

In 2011, there were only two such consultations: in February with Under-Secretary-General Alain Le Roy, then-head of DPKO and in July with the force commanders from three peacekeeping missions and the UN military adviser, Lt. Gen. Babacar Gaye. Although no formal decision was made, the quarterly peacekeeping briefings appear to have moved to a six-monthly cycle.

### Key Recent Developments

On 14 December 2011, during the briefing by chairs of Council subsidiary bodies, Nigeria—chair of the Working Group on Peacekeeping in 2011—said that in 2011 the working group had focused on challenges specific to various peacekeeping missions and on cross-cutting issues such as transition and exit strategies, intermission cooperation and capacity gaps and

development. The working group also examined the relationship between the Secretariat, the Council and the troop-contributing countries/police-contributing countries (TCCs/PCCs).

On 7 February, Council members attended a closed Arria formula meeting on human rights and peacekeeping. Taking advantage of a meeting in New York of the heads of the human rights components of 17 peace operations, Portugal organised the meeting in cooperation with Togo as Council president for February. The meeting aimed at increasing Council members' understanding of the work of the human rights components of peace operations. Council members heard from Navi Pillay, the High Commissioner for Human Rights, and the human rights heads in the missions in the Democratic Republic of Congo, Afghanistan, Iraq and Liberia.

The Special Committee on Peacekeeping Operations (C34) began its 2012 session on 21 February. The issues of interest are expected to include protection of civilians and review of troop costs as well as capability development, in particular the lack of critical resources such as military utility and armed helicopters.

In 2011, DPKO and DFS developed a strategy for peacekeepers to contribute to early peacebuilding and established a steering committee to support its implementation. DPKO and DFS also began a dialogue with member countries on key lessons and best practices related to transitional processes.

In December 2011, DPKO and DFS published a second progress report on the New Horizon Initiative. (The New Horizon report published in July 2009 suggested that peacekeeping needed a renewed global partnership among the Council, the contributing member states and the Secretariat.) The 2011 report covers the implementation of the New Horizon agenda in its second year as well as outstanding challenges. (The first progress report was

released in October 2010.)

### Key Issues

A key issue for the Council is how to translate the discussions on transitions and better Council oversight of peacebuilding processes into better coordination and coherence among the host government and local non-governmental actors, UN peacekeepers and other UN and international actors engaged in peacebuilding activities.

A closely connected issue is improving the relationship between the Council and the peacebuilding bodies (the Peacebuilding Commission (PBC), ECOSOC and governing councils and boards of the World Bank and UN agencies). Also related is how the Council can provide oversight on peacebuilding without infringing on the work of the peacebuilding actors.

Also an issue is whether the Council needs more specific information on peacebuilding activity in order to make informed decisions related to drawing down a peacekeeping operation.

An important continuing key issue is ensuring that adequate funds for peacekeeping exist so that peacekeepers have the resources to effectively conduct peacebuilding tasks. The high cost of UN peacekeeping is of particular concern to some Council members in the context of the difficult global financial environment.

### Options

One option is for the Council to engage with the Secretariat in consultations without any outcome.

Other options include:

- requesting the Secretary-General to include in his country-specific reports a section on the challenges of working with peacebuilding actors and suggestions for improving the engagement of the mission with them;
- suggesting the Working Group on Peacekeeping take up some of the ideas emerging from this discussion as part of



- its work programme for 2012;
- using the experience of DPKO and DFS in providing transition support to the UN Mission in Timor-Leste and UN Mission in Liberia to explore how the lessons learnt can be applied to mandate renewals in the future;
- drawing on knowledge gained from the February 2012 Council visit to Haiti to consider possible amendments to the UN Stabilisation Mission in Haiti mandate that would allow for better coordination of peacebuilding tasks; and
- exploring better ways of coordinating peacebuilding functions in a peace-keeping mission the focus of a future Council mission.

### Council Dynamics

There is broad agreement in principle among Council members about the linkages between peacekeeping and peacebuilding. However, members appear to have different understandings of what this means in practice. Some members believe that peacekeepers should only be involved in early recovery and initial peace-keeping tasks, while others appear to take a wider view of the role of peacekeepers as early peacebuilders. Others believe that either the PBC or other UN agencies might be better suited than peacekeepers to take on early peacebuilding activities.

Certain Council members that are also key TCCs appear to have some concerns about the effect on peacekeeping resources if peacebuilding tasks are increasingly taken on by peacekeepers. At the same time, these members also appear to be concerned about the military component of peacekeeping missions being supplanted by UN personnel involved in peacebuilding tasks, thus leading to a reduction in the numbers of peacekeepers.

New Council members Pakistan and Morocco have been very actively involved in General Assembly peacekeeping issues and, together with India and South Africa, are the leading TCC contributors on the

Council. All four are also members of the Non-Aligned Movement (NAM). It is possible that they may wish to address issues of concern to NAM members, such as better interaction with TCCs, review of troop costs and addressing capability gaps in peacekeeping.

Morocco is the new chair of the Working Group on Peacekeeping. At press time, the working group's programme of work had not yet been adopted, but given Morocco's experience chairing a very difficult session of the C34 last year, there are expectations that the working group could have an active year ahead.

### UN Documents

#### Security Council Resolution

- S/RES/1327 (13 November 2000) adopted the decisions and recommendations of the report of the Panel on UN Peace Operations.

#### Presidential Statements

- S/PRST/2011/17 (26 August 2011) expressed the Council's commitment to enhanced consideration of early peacebuilding activities in the mandates and structure of peace-keeping operations.
- S/PRST/2011/4 (11 February 2011) noted the importance of considering peacebuilding activities from the early planning and implementation stages of peacekeeping operations.
- S/PRST/2010/2 (12 February 2010) focused on peacekeeping exit and transition strategies.
- S/PRST/2009/24 (5 August 2009) highlighted the Council's efforts to improve its dialogue with the Secretariat and TCCs/PCCs as well as identified areas for further reflection, such as credible and achievable mandates matched with appropriate resources.

#### Meeting Records

- S/PV.6603 and Resumption 1 (26 August 2011) was the Council's most



recent debate on peacekeeping.

- S/PV.6479 (11 February 2011) was the Council debate on the interdependence between security and development.
- S/PV.6389 (23 September 2010) was the Council summit meeting on peace and security.

#### Other

- A/64/10 was the report of the Special Committee on Peacekeeping Operations.

### Useful Additional Sources

- The New Horizon Initiative, Progress Report No.2. DPKO and DFS, December 2011.
- A New Partnership Agenda: Charting a New Horizon for UN Peacekeeping, DPKO and DFS, July 2009

## Notable Dates for March

Report Due	Reports for Consideration in March	Requesting Document
29 February	<i>SG report on implementation of resolution 1701 (Lebanon)</i>	<b>S/RES/2004</b>
2 March	<i>SG report on MINUSTAH (Haiti)</i>	<b>S/RES/2012</b>
5 March	<i>SG report on UNSMIL (Libya)</i>	<b>S/RES/2022</b>
5 March	<i>SG report on UNAMA (Afghanistan)</i>	<b>S/RES/1974</b>
9 March	<i>SG report on UNMISS (South Sudan)</i>	<b>S/RES/1996</b>
14 March	<i>SG report on UNIPSIL (Sierra Leone)</i>	<b>S/RES/2005</b>

Mandates Expire	Relevant Document
16 March	<i>UNSMIL (Libya)</i> <b>S/RES/2022</b>
17 March	<i>Panel of Experts of the Libya Sanctions Committee</i> <b>S/RES/1973</b>
23 March	<i>UNAMA (Afghanistan)</i> <b>S/RES/1974</b>

## Other Important Dates

5 March	<i>IAEA Board of Governors meeting</i>
8 March	<i>The UK and Azerbaijan are expected to co-host an Arria-formula meeting on women's role in conflict resolution and mediation to mark International Women's Day</i>
11-13 March	<i>Informal talks on Western Sahara between Morocco and the Polisario Front at Greentree in New York</i>
17 March	<i>Presidential elections in Timor-Leste</i>
18 March	<i>Presidential elections in Guinea-Bissau</i>
29 March	<i>Arab League Summit in Baghdad (the first summit since the beginning of the Arab Spring, no summit was held in 2011)</i>

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